CITY OF MENDOTA HEIGHTS

CITY COUNCIL REGULAR MEETING AGENDA

August 6, 2025 at 6:00 PM
Mendota Heights City Hall, 1101 Victoria Curve, Mendota Heights

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Approval of the Agenda**

   The Council, upon majority vote of its members, may make additions or deletions to the agenda. These items may be submitted after the agenda preparation deadline.

5. **Public Comments - for items not on the agenda**

   Public comments provide an opportunity to address the City Council on items which are not on the meeting agenda. All are welcome to speak. Individuals should address their comments to the City Council as a whole, not individual members. Speakers are requested to come to the podium and must state their name and address. Comments are limited to three (3) minutes. No action will be taken; however, the Mayor and Council may ask clarifying questions as needed or request staff to follow up.

6. **Consent Agenda**

   Items on the consent agenda are approved by one motion of the City Council. If a councilmember requests additional information or wants to make a comment on an item, the item will be removed from the consent agenda and considered separately. Items removed from the consent agenda will be taken up as the next order of business.

   a. Approve Minutes from the July 15, 2025, City Council Meeting
   b. Approve Minutes from the July 15, 2025, City Council Work Session Meeting
   c. Approve Minutes from the July 15, 2025, City Council Special Meeting
   d. Acknowledge Minutes from the June 24, 2025, Planning Commission Meeting
   e. Acknowledge Minutes from the May 21, 2025, Airport Relations Commission Meeting
   f. Approve Out of Metro Travel Request for the City Clerk
   g. Accept the Resignation of Peter Johnson from the Mendota Heights Fire Department
   h. Authorize the Hiring of Five Probationary Firefighters by the Mendota Heights Fire Department

i. Authorize Recruitment and Approve the Addition of One Assistant Training Officer Position and Change the Position Title to Training Lieutenant with the Mendota Heights Fire Department.

j. Acknowledge the April, May, and June 2025 Fire Synopses

k. Award Contract for Lift Station Panel Replacement

l. Adopt Resolution 2025-50 Accepting Donations Made to the Mendota Heights Police Department

m. Adopt Resolution 2025-46 Accepting Work and Final Payment for Bridgeview Shores Street Improvements Project 202406

n. Adopt Resolution 2025-47 Approving an Administrative MRCCA Permit for 1128 Kingsley Circle North (Planning Case No. 2025-14)

o. Approve Claims List

7. Presentations

a. MRPA Award of Excellence for Marketing and Communications

8. Public Hearings

9. New and Unfinished Business

a. Resolution 2025-45 Approving a Special Appropriations Permit Application for Oheyawahe

b. Tabled - Resolution 2025-36 Approving a Preliminary Plat of McMillan Estates to subdivide three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels owned in common.(Planning Case 2025-03)

c. Resolution 2025-48 Approving a Conditional Use Permit for a Cannabis Retailer at 1155 Centre Pointe Drive (Planning Case No. 2025-11)

d. Resolution 2025-49 Approving a Conditional Use Permit for a private middle and secondary school at 1345 Mendota Heights Road (Planning Case 2025-13)

10. Community / City Administrator Announcements

11. City Council Comments

12. Adjourn

Next Meeting August 19, 2025 at 6:00PM

Information is available in alternative formats or with the use of auxiliary aids to individuals with disabilities upon request by calling city hall at 651-452-1850 or by emailing cityhall@mendotaheightsmn.gov.

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CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

DRAFT Minutes of the Regular Meeting
Held Tuesday, July 15, 2025

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota, was held at 6:00 p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Levine called the meeting to order at 6:00 p.m. Councilors Lorberbaum, Paper, and Maczko, were also present. Councilor Mazzitello was absent.

PLEDGE OF ALLEGIANCE

Council, the audience, and staff recited the Pledge of Allegiance.

MOMENT OF SILENCE IN MEMORY OF OFFICER SCOTT PATRICK, EOW JULY 30, 2024

The Council and those present in the audience observed a moment of silence in memory of Officer Scott Patrick.

AGENDA ADOPTION

Mayor Levine presented the agenda for adoption. Councilor Paper moved adoption of the agenda. Councilor Maczko seconded the motion.
Ayes: 4
Nays: 0

PUBLIC COMMENTS

No one from the public wished to be heard.

CONSENT AGENDA

Mayor Levine presented the consent agenda and explained the procedure for discussion and approval. Councilor Lorberbaum moved approval of the consent agenda as presented, pulling item A.

~~a. Approval of July 1, 2025 City Council Minutes~~
b. Acknowledge the Minutes from the May 13, 2025, Parks and Recreation Commission Meeting

c. Acknowledge the Minutes from the June 10, 2025, Parks and Recreation Commission Work Session
d. Acknowledge the May Par 3 Financial Report
e. Adopt Resolution 2025-42 Final Payment and Acceptance of Fire Station Roof Replacement
f. Approve the Hiring of a Public Works Maintenance Worker
g. Adopt Resolution 2025-44 Formally Accepting Donations from the Heussner Family
h. Adopt Resolution 2025-43 to Reject Bids for the Kensington East Street Improvements
i. Approve Developer's Agreement for the Cobalt Business Center
j. Approve a Massage Therapist License
k. Approve Temporary On-Sale Liquor License – Holy Family Maronite Catholic Church
l. Approve Contract to Grind Brush at City Transfer Site
m. Approve Purchase of Public Works Truck from Inver Grove Ford
n. Approval of Claims List

Councilor Paper seconded the motion.
Ayes: 4
Nays: 0

PULLED CONSENT AGENDA ITEMS
A) APPROVAL OF JULY 1, 2025 CITY COUNCIL MINUTES

Councilor Maczko noted on page seven, the second paragraph, it should state, "…~~express~~ address the concern…" On page 12, it should state, "….Councilor ~~Mazzitello~~ Maczko…" On page nine, the spelling of Kolar should be verified and shown correctly in both uses.

Councilor Maczko moved to approve JULY 1, 2025, CITY COUNCIL MINUTES AS AMENDED.
Councilor Lorberbaum seconded the motion.
Ayes: 4
Nays: 0

PRESENTATIONS
A) CITY OF MENDOTA HEIGHTS SPEED CAMERA UPDATE

Police Chief Kelly McCarthy provided a brief update and progress report on the Speed Safety Camera System implementation.

Councilor Maczko asked if these can only be on City streets or whether they could be placed on County roads or other roadways.

Police Chief Kelly McCarthy replied that they can be installed anywhere, with permission. She stated that local roads were chosen at this time, but because of the good relationship with the County, she believed that they would provide the necessary permission.

Councilor Paper asked how long it would be anticipated that a camera would be in a location.

Police Chief Kelly McCarthy anticipated that they would have this one location for the remainder of the year. She believed that they would want to have any camera in place for at least three months. She noted that if a camera is moved, the warning period would begin again.

Councilor Lorberbaum asked how long the pilot program would run and for information related to success and failure benchmarks.

Police Chief Kelly McCarthy replied that the pilot program would be four years in length. She stated that she hoped that this winter, they could develop a more qualitative instrument to measure the utility of the people in and around that area. She stated that if they are writing a lot of tickets, she would consider that a fail, or if the problem remains unchanged, that would also be a fail. She commented that there are residents in certain areas who perceive an issue with speeding, whether or not the data supports that. She commented that this is something that would address those concerns while not being intrusive to other members of the community.

Councilor Maczko applauded the Chief for her use of warning tickets as a form of education. He recognized that it is the outliers that catch the attention of others. He stated that as a City, they are encouraging people to drive responsibly and do not intend to punish anyone or raise funds. He recognized that it is not that the Police Department wants to write tickets, but wants to have a safe city.

Police Chief Kelly McCarthy commented that Mendota Heights is a safe community for drivers and pedestrians, and they are simply trying to address the outliers and perception. She noted that Marie was chosen as a location because of the changes that have already been made to that roadway.

Mayor Levine asked for more information on who would receive a ticket from an Officer versus the speed camera.

Police Chief Kelly McCarthy replied that there is nothing about the speed cameras that precludes traditional enforcement. She stated that in Minnesota, the speed limit is the speed limit. She noted that historically, a three miles per hour (mph) grace was given to account for instrument calibration, but as technology improved, someone could theoretically be given a ticket for going one mph over the speed limit. She stated that the camera will never take a picture of the rear license plate and record the speed unless someone is ten mph over the speed limit.

Mayor Levine commented that a Police Officer on the same street could issue a ticket for going three mph over the speed limit.

Councilor Paper asked how much more work this would be administratively for the department.

Police Chief Kelly McCarthy replied that this could be labor-intensive, but the City has the advantage of previous data. She explained how the work would be allocated between members of the department to issue warnings and tickets. She anticipated between one and two hours per day, spread out in the most economically feasible manner. She noted that there is a more automated system, but the City is choosing to utilize the system that it already has to record the data and use staff to sort through the data and send warnings and/or tickets.

Councilor Paper asked if the owner of the plate would be receiving the ticket.

Police Chief Kelly McCarthy confirmed that to be accurate. She noted that the owner will receive the warning/citation regardless of the driver, and it would not be classified as a moving violation.

Mayor Levine asked that the school be made aware of this to ensure that information can be communicated with student drivers as well.

Police Chief Kelly McCarthy noted that in addition to the posted signage and communication she has had with the School District, she has also put in requests to Google, Apple, and Waze to see if the speed camera can be placed on their GPS applications.

B) HIGHWAY 62 SPEED LIMIT PRESENTATION

Robert Jones, MnDOT, introduced the members of his staff present with him tonight to help address the questions they have received from Public Works Director Ryan Ruzek and the City related to the speed limit on Highway 62.

Cherzon Riley, MnDOT, commented that the speed limit had been raised from 55 miles per hour (mph) to 60 mph on Highway 62. She explained that MnDOT checks the speed limits on highways every ten years to ensure that the highway is operating at the correct speed. She provided details on the study process completed, noting that the 85th percentile of drivers were driving at 60 mph. She provided additional details on driver safety related to posted speeds and communication that were provided to the City prior to the change in the speed limit.

Councilor Paper stated that the speed limit was raised, which increases noise levels, and asked if that would improve the opportunity to receive a soundwall.

Ms. Riley replied that raising the speed limit by five mph does not have an impact on noise levels. She commented that soundwalls are outside of her department, but she could provide that contact information. She noted that people were already traveling at this speed, and therefore, the speed limit was simply changed to match the speeds at which vehicles were already traveling.

Mayor Levine asked if the traffic lights on a highway slow the speed between lights.

Ms. Riley stated that a five-mile per hour increase will not be noticeable. She stated that the yellow time was changed by half a second, and there will be no impact on queuing.

Mayor Levine stated that if there is a higher limit, perhaps that would encourage drivers to travel even faster than the posted speed.

Ms. Riley stated that they have done decades of studies on that topic, and it has been proven untrue that drivers will travel over the posted speed limit. She noted that several studies of the speeds were taken before the change and after the posted speed limit change, and there has not been a change in the speed at which drivers are traveling.

Mayor Levine asked if the speed limit would be lowered if another speed study were completed in ten years, and the majority of travelers are traveling under the posted speed limit.

Ms. Riley confirmed that is correct. She explained that they want speed limits that the majority of drivers will obey and to provide continuity. She stated that since they raised the speed limit, in this first year, the crash data has actually been reduced from the previous year/speed limit.

Councilor Maczko stated that the sign on 62 was not posted until May 1st; therefore, it has only been about a month or 1.5 months.

Ms. Riley stated that they made the decision in November and posted signs in May. She recognized that May 1, 2026, would provide one full year of data.

Councilor Maczko commented that he is a traffic engineer by trade, and he raised the question about the change in speed. He stated that Highway 110/62 has historically caused issues with speed and pedestrian safety. He stated that when 494 was built, it was supposed to take a lot of the truck traffic off Highway 110/62. He stated that in 2024, the legislature requested to change or update the speed setting to the new Federal highway manual, noting that more than the 85th percentile should be reviewed before raising speed, and noted the other factors that should be considered. He wondered where the report was that included details on volume, crashes, and the other areas of the new study. He noted that the freeway that runs through the community has a posted speed of 55 mph, while this road, with more pedestrian crossings and interaction, now has a speed limit of 60 mph, which seems to be a disconnect. He asked if there was a report produced with the additional information or whether the decision was made solely based on the 85th percentile.

Ms. Riley stated that the context categories were addressed and included in the report. She stated that Highway 35 will also be studied in the coming year and believed that the speed limit will also be increased. She stated that, essentially, they did not raise the speed limit as most people were already traveling at that speed.

Almin Ramic, MnDOT, stated that he did look at traffic volumes from the entrance into Mendota Heights on the west, through to the east side. He noted that the increases were minimal, just above the 2019 numbers. He provided comparisons for the Dodd Road intersection from 2016 through 2025 and similar information for other intersections. He stated that the traffic volume has not increased to the perceptions that existed. He stated that the Dodd Road intersection crash data is under the State average, providing information from the last few years.

Councilor Maczko asked if truck volumes were reviewed.

Mr. Ramic replied that data is available, but he did not review that information. He stated that he could share that information through email.

Councilor Maczko stated that some residents have requested no engine braking signs in certain areas for trucks.

Mr. Ramic stated that he could follow up on that, but believed that it is something that could also be done through City Ordinance.

Councilor Maczko stated that prior to the 2017 upgrade, when many access points were eliminated, there were advanced warning flashers up and that they had been removed. He noted that there are a fair amount of red-light runners at Dodd Road and near the high school. He asked why those warning flashers were removed.

Mr. Ramic replied that it has been the policy to introduce those types of signs if it is the first signal after a freeway segment. He noted that studies have been done that those signs encourage speeding, as some drivers speed up when the lights begin to flash in an attempt to get through before the red light. He stated that in some areas, they have chosen continuously flashing yellow lights to alert drivers to the upcoming signal rather than flashing lights that alert to a signal change ahead.

Mr. Jones stated that Mankato and Rochester have eliminated the use of those flashing alerts as well.

Mayor Levine asked if the crash data would be studied next May to review the newly posted speed limit. She recognized that there are people in the community who are concerned about the increased speed limit. She asked if a change would be made in one year if the crashes or travel speed were to increase in the next year.

Ms. Riley stated that she has been doing this for over 15 years and has never seen that happen. She commented that the signs themselves do not slow the speed of drivers. She noted that people drive at the speed they feel comfortable and reasonable. She provided information on the speed samples that were completed after the posted change to the speed, noting that the speed traveled has not changed, as drivers were already traveling at this speed.

Councilor Maczko asked how they would make drivers drive slower.

Ms. Riley commented that driving slower does not always mean safer. She provided examples where changes were made to roads to decrease speeds, recognizing that does take an investment. She commented that extreme enforcement also decreases driver speeds.

Mr. Ramic stated that it is the outliers, those traveling too slowly or too fast, that cause issues.

Councilor Maczko stated that the concern he has heard from residents is that raising the speed limit seems counteractive to the cooperative efforts of the City and MnDOT to make this roadway safer. He stated that Dodd Road has pedestrian crossings. He asked what the City can do with MnDOT to communicate that they do not want the speed increased on this type of street. He stated that there is no pedestrian activity or vehicles trying to turn out of their neighborhoods onto the freeway, like there is on Highway 62. He stated that it seems that the traffic signal timing has changed, giving priority to Highway 62, which causes backups on other roads. He thought the goal was to tame the road so that people would not want to drive 60 mph on the roadway, and he believed that this was going the wrong way.

Mr. Ramic commented that this needs to be done through teamwork with the City expressing its desires. He noted that MnDOT has its projects planned five to ten years ahead. He commented that the City would need to invest energy and funding to improve the roadway, if that is desired.

Councilor Maczko commented on the longer-term vision for the roadway that he and the citizens have a concern over ensuring that this could be a walkable, bikeable area for residents.

Mr. Ramic commented that MnDOT will work with the City to find a solution for Dodd Road. He noted challenges that have existed with right-of-way and the need for an innovative solution. He stated that when MnDOT plans for that roadway, they will listen to the input of the City.

Mayor Levine asked when the next visioning is for Highway 62.

Mr. Jones commented that as a Project Manager, they want to work with the City to determine what is best. He stated that what was done in 2017, and to get another project at this time would take a lot of City input and City funding. He stated that if MnDOT completed a project in ten years or so, when it is due for another upgrade/project, they would work with the City.

Mr. Ramic commented that while he also does not prefer J-turns, they are safer movements.

Councilor Lorberbaum thanked the representatives from MnDOT for attending and providing this useful information tonight. She asked the percentage of roads that are studied that receive an increase or decrease in speed.

Ms. Riley commented that there are times the speed limit is reduced after a project, such as a road diet. She was unsure of the percentages. She stated that outside of a project, she has not seen a speed limit decrease.

Mr. Jones commented that some roads in Rochester may have speed limits lowered.

Ms. Riley commented that the cities of Minneapolis and St. Paul have chosen to lower their speed limits.

Mayor Levine asked if that change has made their roads less safe.

Ms. Riley replied that those cities will not complete a before-and-after study. She noted that people are still traveling at the same speeds.

Councilor Maczko commented that he has encouraged St. Paul to complete after studies. He agreed that it is important to have both the before and after studies.

Gina Mitteco, MnDOT, provided information on long-range planning and visioning.

Mr. Jones commented that they have been working with Public Works Director Ryan Ruzek in anticipation of the 2028 project and noted that he will continue to comment with staff on that project. He explained that MnDOT is in more of a preservation mode because of the needs of their large system, whereas the

City wants to be more proactive. He stated that if the City takes the lead and secures funding, MnDOT can support the project as well.

Councilor Maczko acknowledged that MnDOT wants cities to be active and proactive in communicating their needs and wants input from cities. He asked that the earlier-mentioned report also be provided through email. He asked if something could be done about engine braking from trucks going down hills.

Ms. Mitteco stated that Dakota County has received some complaints on certain roadways, but believed that the County did not have jurisdiction. She stated that she is unsure who would have the legal authority to do that and could follow up on that.

PUBLIC HEARING

No items scheduled.

NEW AND UNFINISHED BUSINESS
A) REQUEST FOR PROPOSALS – IVY HILLS PARK PLAYGROUND

Parks and Recreation/Assistant Public Works Director Meredith Lawrence explained that the Council was being asked to authorize the issuance of a Request for Proposals (RFP) for the playground replacement at Ivy Hills Park.

Councilor Maczko stated that this is predominantly the same as before, recognizing that in previous proposals, they received the merry-go-round as the compliant equipment. He asked if a base bid would be provided without the swing, using the full budget, and an extra cost for the swing rather than incorporating that swing into the original budget.

Parks and Recreation/Assistant Public Works Director Meredith Lawrence stated that she is unsure how this will be perceived by vendors. She stated that staff understood that the Council wanted swings brought into the project, along with the requirement to have an accessible feature that could be used by an individual in a wheelchair without transferring out of the chair. She explained that the bid alternate would replace the accessible feature with the swing. She was not confident that all vendors have that type of swing.

Mayor Levine mentioned the Marie Park playground as an example of a project that used a bid alternative. She explained that the shade features were included in the bid as an alternate and could be added to the project, in addition to the base bid costs.

Parks and Recreation/Assistant Public Works Director Meredith Lawrence commented that she does not believe that the base bids will include the swing, but confirmed that would be added to the bids as an alternate and could likely have a cost of over $200,000.

Councilor Maczko commented that he would like to see the most value and features for the cost, while also addressing ADA compliance with poured-in-place surfacing to access the accessible features. He stated that perhaps a pre-bid meeting with vendors would be helpful to better explain the intentions of the project.

Parks and Recreation/Assistant Public Works Director Meredith Lawrence commented that if the Council desires, she could do that, but noted that she has not had to do that in the past. She explained that she has good relationships with the vendors and was surprised that she did not receive any comments after the bids were rejected. She stated that staff do track any questions received and provide those questions and answers to all vendors involved to ensure everyone has the same information.

Councilor Paper commented that he would support continuing to follow the typical process.

Councilor Maczko stated that he does not have a problem with having the parks subcommittee reviewing these with staff again, as he welcomes that input, but did not see the need for a full public input process.

Mayor Levine commented that the subcommittee has a few members of the Commission, whereas a review by the full Commission includes more people and therefore supports the recommendation of staff to keep the process moving. She stated that although it has taken a while to get to this point, they know what they want, and she wants to keep moving forward.

Councilor Lorberbaum stated that she looks forward to continuing this process.

Councilor Paper moved to authorize THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE PLAYGROUND REPLACEMENT AT IVY HILLS PARK.
Councilor Lorberbaum seconded the motion.

Further discussion: Mayor Levine thanked staff and the vendors for their patience.

Ayes: 4
Nays: 0

COMMUNITY ANNOUNCEMENTS

City Administrator Cheryl Jacobson announced upcoming community events and activities.

COUNCIL COMMENTS

Councilor Lorberbaum stated that in 2023 and 2024, MnDOT replaced the Mendota bridge railing, which included lowering the railing to 42 inches. She noted that a number of people have commented that they feel unsafe with the railing at that level. She commented that in 2027, MnDOT is going to raise the level of the railing back to 54 inches. She noted a recent resignation of the representative on the Metropolitan Council and recognized the newly appointed representative for the community. She thanked the residents who attended the last session of Coffee with the Council and noted the next event on Saturday, August 9.

Councilor Maczko thanked the representatives from MnDOT who attended tonight and provided valuable information. He recognized that the City does have a responsibility and ability to provide feedback and appreciated that MnDOT is willing to listen. He recognized that the City did not provide feedback when MnDOT reached out multiple times on the topic before making the change. He recognized recent weather events around the country and encouraged residents to be prepared for emergencies.

Councilor Paper thanked Lisa for her work at NDC4 and wished her well in her next position.

Mayor Levine reminded residents that Public Safety Officers are held in high regard, noting that the community still mourns the loss of Officer Scott Patrick.

ADJOURN

Councilor Paper moved to adjourn.
Councilor Maczko seconded the motion.
Ayes: 4
Nays: 0

Mayor Levine adjourned the meeting at 7:49 p.m.

_____
Stephanie B. Levine
Mayor

ATTEST:

_____
Nancy Bauer
City Clerk

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

DRAFT Minutes of the City Council Work Session
Tuesday, July 15, 2025

Pursuant to due call and notice thereof, a work session of the Mendota Heights City Council was held at Mendota Heights City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Levine called the work session to order at 4:30 pm. Councilors Lorberbaum, Maczko (arrived 4:36 pm) and Paper were in attendance. Councilor Mazzitello was absent.

Others present included: City Administrator Cheryl Jacobson, Assistant City Administrator Kelly Torkelson, Public Works Director Ryan Ruzek, Finance Director Kristen Schabacker, Park and Recreation Director/Assistant Public Works Director Meredith Lawrence, Community Development Manager Sarah Madden, Assistant City Engineer Lucas Ritchie, Amy Schmidt, City Attorney, and City Clerk Nancy Bauer.

Also in attendance was Joe Barton from the Dakota County Lower Mississippi River Management Organization (LMRWMO). Also, residents that lived around Lake Augusta and Lemay Lake were in attendance.

LAKE AUGUSTA IMPROVEMENTS

R. Ruzek, Public Works Director, reviewed a PowerPoint that was created by Joe Barton, Lower Mississippi River Water Management Organization Administrator and Dakota County Soil and Water Conservation District Program Management Supervisor. R. Ruzek stated that the presentation and other issues were discussed at LMRWMO board meetings.

A map was shown of Lake Augusta, and he summarized the property owners around the lake and stated that the lake is privately owned. There is part of the lake on the north side that is owned by the City of Mendota. The waterline has encroached into Centre Pointe Curve which is a city right-of-way. Otherwise, there is no public access to the lake.

R. Ruzek discussed the watershed area for Lake Augusta. In 2013, the Minnesota Pollution Control Agency completed a Watershed Restoration Protection Strategy (WRAPS) study. The results of the study found that 11% of the phosphorus entering the lake came from the watershed, 2% from the atmosphere, and it was assumed 87% was coming from internal load. (The sediment re-releasing the phosphorus into the lake).

In 2017, the City received a grant that the LMRWMO applied for, the City provided a match for the grant, and an alum treatment was applied to the lake. The alum was meant to lock up the

phosphorus down in the sediment. The first year after the treatment showed signs of the reduction in the phosphorus.

At that time, a resident alerted the City to a large population of cormorants by the lake in the fall and asked if they could be polluting the lake. A study was done which did help to fill in a missing gap. It was determined that the cormorants were adding 68% of the phosphorus to the lake, direct watershed was 10%, internal loading at 21%, and atmospheric deposition at 1%. In 2023, the study was completed.

The LWRWMO board heard a presentation from Barr Engineering on the feasibility outcomes of Lake Augusta in November of 2024. In December of 2024, the LWRWMO board heard from Franci Cuthbert, PHD, a cormorant expert and how to manage cormorants. They are not nesting at Lake Augusta but are migrating through.

Results of the Barr Engineer Feasibility Study were that this is a land locked basin, with development in the lake's watershed, and increased rainfalls have contributed to this lake's increased depth by 15 feet since the normal water level was established in the mid-1980's.

R. Ruzek continued that to help the health of the lake these recommendations could be implemented:

1. Adding a lake outlet and establishing the normal water level. This would provide a positive effect now as in the future surrounding properties would get flooded out and kill more trees. The cost estimate would be about $600,000. If the water level was lowered the shoreline would need to be revegetated.
2. Implement two upstream stormwater BMPs to improve the water quality of stormwater entering Lake Augusta. The cost estimate would be about $600,000.
3. Removal of dead trees surrounding Lake Augusta to deter cormorants with a cost estimate of $200,000.
4. Further study of cormorants with the intent to either better understand, track, or manage their population.

1) To pursue the installation of a lake outlet:

- Grant funding for an outlet is unlikely to be obtained. A similar outlet project at Seidl's Lake was funded with City obtained bonding funds.
- The desired future lake level would need careful consideration and likely input from residents. Residents have shown support to return the level to match that of 2002.
- The exact benefit to lake water quality of a lake outlet on its own is unknown. There is an assumed flushing effect that an outlet provides long term, however the study assumed the outlet to be tied to reductions in cormorant populations, which may not be the case.
- If an outlet is implemented: Opportunities for water quality improvements in the watershed can be considered down the road.
- LMRWMO is working with the DNR to monitor lake levels to track over time.

2) Implementation of two upstream stormwater BMPs to improve the water quality of stormwater entering Lake Augusta:

- Grant funding is possible for the two stormwater BMPs at the cemetery pond and a new cemetery pond.
- Private property permission would be needed for both BMPs to be possible to implement.
- The two BMPs provide future pollutant reductions, but do not address cormorants, the estimated larger contributor of phosphorus to the lake. Therefore, the efficacy of the stormwater BMPs to significantly improve water quality is unknown.

3) Removal of the trees surrounding Lake Augusta to deter cormorants:

- The ability to receive grant funding to remove trees is unknown, which may be unlikely to be obtained for tree removal because it is private property surrounding the lake.
- The impact on the cormorant population due to dead tree removal around the lake is unknown, may be ineffective, and/or may have unintended consequences.
- The residents can choose to lead the removal of trees either before or after an outlet may be installed.

4) Further study of cormorants with the intent to either better understand, track, or manage the population - The estimated cost is $100,000:

- Further study of the non-nesting cormorant population may provide useful information for management, such as hazing, harassing, or culling, however it may have more limited use if management is not intended.
- Management of bird populations by a watershed management organization is uncommon, if not unprecedented, to improve water quality of a lake.
- The City, and/or residents could pursue further study of the cormorant population, possibly a willing partner, such as the UofM could be found to lead such a study.
- The LMRWMO can continue to monitor water quality as it has been to gather more data for future evaluations.

Continued Water Monitoring:

- The LMRWMO can reach out to the MPCA to identify when the next MPCA 10-year cycle comes up to gain awareness of timelines to possibly discuss a lake specific TMDL (Total Maximum Daily Load) that accounts for the cormorant impacts.
- The LMRWMO can continue to monitor water quality as it has been to gather more data for future evaluations.
- The LMRWMO can monitor water levels going forward on the lake to have a better long-term record.

If the City does decide to implement any of the improvements, LMRWMO would partner with the City to apply for the grants.

The LMRWMO Lake Augusta Recommendations are:

1. The City of Mendota Heights can choose to pursue a lake outlet at Lake Augusta. The LMRWMO would support the City in this effort, at the request of the City, via technical assistance, assisting in pursuit of grant funds, etc.
2. The residents/private property owners or the City can choose to pursue and lead the effort for removal of trees either before or after an outlet is installed. The City can decide if

they have a role and can request assistance from the LMRWMO. The LMRWMO would support the City in this effort, at the request of the City, via technical assistance, assisting in pursuit of grant funds, etc. Establishment of permanent native vegetation around the lake should be pursued along with tree removal.

3. The LMRWMO will add monitoring of lake levels to its current monitoring schedule, periodically during the growing season, until and potentially after a lake outlet is installed. If the lake continues to fluctuate, this data could help in planning a lake outlet. The LMRWMO will continue to monitor water quality as it has been, either via volunteers or paid staff to maintain a comprehensive water quality data set.
4. Opportunities for water quality improvements in the watershed can be considered down the road, but not until the multi-year effects of the outlet on water quality (after 5+ years of monitoring for example) to indicate whether the outlet has had any impact on water quality. The LMRWMO would support the City in watershed water quality improvement efforts, at the request of the City, via technical assistance, assisting in pursuit of grant funds, etc.
5. The City, residents, or LMRWMO could pursue further study of the cormorant population. However, this would be with a limited budget and only if a partner, such as UofM could be found to lead such a study. The LMRWMO voted not to do this. The aim of such a study would be to track the population of birds on the lake over many years and see if the population correlates to lake water quality. It would also be to better understand the cormorant population, if residents would want to take on management. The LMRWMO will not take or lead any actions to manage the cormorant population. The LMRWMO can work with the MPCA to discuss a lake specific TMDL that accounts for the cormorant impacts, only when that comes up next in the MPCA 10-year assessment cycle. This would not clean up the lake.

Councilor Maczko asked if the city, state, or county had any direct storm water discharge into the lake. R. Ruzek said not that he is aware of any, except runoff from the private properties surrounding the lake. He described how the storm water discharge flows in the watershed area.

Councilor Maczko asked about salt getting into the lake. R. Ruzek said that chloride in the lake was studied, and it was found to be substantially below the threshold for chlorides.

Councilor Maczko stated he is surprised that this is not a watershed issue and is a city issue. That there might be a possibility of not receiving any grant funding. If something is done it may affect another body of water in the watershed area.

Councilor Lorberbaum asked if there were any other stories regarding this issue. R. Ruzek responded that Roseville had this issue fifty years ago, dealt with it and now it is a beautiful lake. Waseca also is dealing with this issue today. Pigeon Lake in Minnesota gave up the lake to birds. If we do something to discourage the birds from roosting at Lake Augusta, the cormorants will find another place to roost.

J. Barton reported that he has done a lot of research regarding cormorants and has talked to the U.S. Fish and Wildlife Service, U.S. Department of Agriculture, Minnesota DNR, and reached out to a private company “Wild Goose Chase”. He did not get a sense that this was a problem they had dealt with. The U.S. Fish and Wildlife Service stated that cormorants are a protected species and gave an overview of the process to manage cormorants (kill, harass and haze). The

U.S. Department of Agriculture can be hired to kill the cormorants for management. The Minnesota DNR had information about Pelican Lake and Leech Lake where they are managing cormorants because of the cormorants eating the fish and they would not have any role with Lake Augusta. The birds roost in the early evening in the fall for about six weeks and there are a lot of unknows about the cormorants.

Councilor Maczko asked what made Lake Augusta attractive to the cormorants. R. Ruzek responded that the rising water killed trees, and it is probably the dead trees. J. Barton responded that it also could be that the lake is close to the Mississippi River where they feed during the day.

Joe Nunez, stated that the lake was in good shape 30 years ago and kids used to swim or fish in the lake. There are now a lot of dead trees by the lake where the cormorants like to roost. This lake has been under stress since the late 90's. He asked if the underground springs in the lake had been studied. J. Barton stated that they have not been studied.

Kitty Haight stated she does not use certain fertilizers so the lake can be protected. She and her husband have spent thousands of dollars removing dead trees because the lake level rose. Other residents have also removed dead trees.

Barbara Kauffman stated that she was on the watershed committee for Rogers Lake and believes that Rogers Lake is not much different than Lake Augusta. Lake Augusta though is a much smaller lake. The City did step forward to help with Rogers Lake.

Tom Hanschen asked if the existing settling ponds were effective, why is there a recommendation to put in more? Are the ponds not doing their job. There is not an outflow for the lake.

A resident asked if there was a way to enhance the underground springs? J. Barton stated he is not aware of a way to enhance underground springs.

Councilor Maczko stated that moving one body of water to another body of water could have unattended consequences. R. Ruzek responded that the outlet would be a mechanical pump station. If this were done, we would work with MnDOT and pump water into an existing catch basin, have it run through a vegetative swale, then into the MnDOT pond by the Mendota Bridge, and then into the Mississippi River. An easement might be needed to accomplish this.

Councilor Paper asked about the life expectancy of a cormorant. R. Ruzek responded they can live up to 20 years.

Councilor Paper asked if lake levels were static before the 80's? R. Ruzek said Lake Augusta has always had water in it (even during the dust bowl years). It has always had a different tint when looking at old arial photos. He showed aerial photos of the lake.

Councilor Paper asked if the lake was beyond the ordinary highwater mark now? R. Ruzek responded yes.

Councilor Paper asked how deep the lake is. R. Ruzek said about 40 feet.

Councilor Paper asked if any fish live in the lake? R. Ruzek stated that a fish study has not been done.

A resident stated that turtles and frogs do live in or are near the lake.

J. Barton said there are a lot of unknown things regarding the lake. The color of the lake could be from diatom blooms.

R. Ruzek said if the lake water level is lowered it would change the shoreline on the north and south ends of the lake.

J. Barton stated that grant funds are not used for conveyance (moving water from one place to another). Grand funding for shoreline restoration would stipulate it would have to be on public land.

Councilor Paper asked if there was a difference in phosphorus levels from the north end of the lake to the south end of the lake. J. Barton said water samples are typically taken from the deepest part of the lake.

Mayor Levine asked if the rate was known for the rising depth of the lake. R. Ruzek stated that it is not known because of recent past years of drought when the lake depth dropped. J. Barton stated that two lake gauges have been recently installed to help monitor the level of the lake.

Mayor Levine asked why the trees standing in the lake can't be removed to control the cormorant population. R. Ruzek responded that the cormorants might move to live trees and kill the live trees with their guano. Mayor Levine asked if it wouldn't be better to have guano on the ground rather than in the lake. J. Barton stated that it is a thought, and it might help with the cormorant population. There are unknows. The cormorants might move to Lemay Lake. Cormorants prefer dead trees. There are about 1,000 dead trees in Lake Augusta. The estimate, which is from a few years ago, to remove all those dead trees is $400,000 to $450,000.

It was concluded that no simple or immediate solution exists; further evaluation, resident involvement, City and LMRWMO involvement, further study, and gradual intervention may help with the health of the lake.

ADJOURNMENT

The meeting adjourned at 5:47 pm.

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

DRAFT Minutes of the City Council Special Meeting
Held Tuesday, July 15, 2025

Pursuant to due call and notice thereof, a special meeting of the Mendota Heights City Council was held at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Levine called the meeting to order at 7:56 p.m. Councilmembers Lorberbaum, Maczko, and Paper were also present. Councilmember Mazzitello was absent.

Also, in attendance were City Administrator Cheryl Jacobson, Community Development Manager Sarah Madden, and City Attorney Amy Schmidt.

CITY COUNCIL DISCUSSION

Mayor Levine stated that the special meeting was closed to the public pursuant to Minnesota Statutes § 13D.05, subd. 3(b) (attorney-client privilege). During the special meeting, information was discussed regarding confidential legal advice from the City's legal counsel regarding the City's legal rights and authority, and whether to initiate civil litigation to enforce the provisions of Mendota Heights City Code Title 3, Chapter 5, Article A related to Short Term Rentals, for alleged violations of that Title at the real property located at 2349 Copperfield Drive, in the City of Mendota Heights, County of Dakota, State of Minnesota (PID: 271830203110). Upon evaluation of the legal advice, the City Council directed the City Attorney to initiate civil enforcement action to obtain correction of the alleged violations at this property.

ADJOURNMENT

The Mayor adjourned the meeting at 8:55 p.m.

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

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CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

PLANNING COMMISSION MINUTES
JUNE 24, 2025

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, June 24, 2025, in the Council Chambers at City Hall, 1101 Victoria Curve, at 7:00 P.M.

The following Commissioners were present: Chair Litton Field, Commissioners Patrick Corbett, Cindy Johnson, Brian Udell (arrived at 7:40 p.m.), Jason Stone, Jeff Nath, and Steve Goldade. Those absent: None

Approval of Agenda

The agenda was approved as submitted.

Approval of May 27, 2025 Minutes

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER NATH, TO APPROVE THE MINUTES OF MAY 27, 2025.

AYES: 6
NAYS: 0

Hearings

A) PLANNING CASE 2025-07
DANIEL MICHEL, 1341 CHERRY HILL ROAD – VARIANCE

Community Development Manager Sarah Madden explained that Daniel Michel is requesting a variance to residential fence height standards for his property located at 1341 Cherry Hill Road. The applicant's existing rear yard fence is nine feet in height, and the existing side yard fence is six feet in height. The request is to replace the six-foot segment of fencing on the side property line with fencing nine feet tall, consistent with the existing rear yard segment, and tapering to six-foot fencing as the fence segment proceeds west.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked if the distance of 15 feet from the property line is referencing the corner of the fence.

Community Development Manager Sarah Madden replied that the existing fence is roughly located on the property line; therefore, that distance would be measured from the corner of the fence, which is the property line.

Commissioner Corbett asked how the dimensions were decided.

Community Development Manager Sarah Madden explained how she created that recommendation, noting that is open to adjustment from the Commission.

Commissioner Stone asked if the property owner would be required to maintain the grass on the other side of the fence.

Community Development Manager Sarah Madden replied that the property owner would be responsible for mowing their own property. She stated that the boulevard between the trail and the fence is currently maintained by the applicant and would continue to do so.

Commissioner Corbett asked for more information on the grade changes between the properties.

Community Development Manager Sarah Madden stated that the grade changes are east to west. She stated that the prior approval considered the grade changes between the property line and the trail.

Danny Michel, applicant, stated that he likes the recommendation from staff to taper the fence as that would flow more with the contours of the land. He stated that the property behind the fence is the Dakota County right-of-way, noting that he has received permission from the County to maintain that area and plant bushes. He asked for clarification on the degree of the taper for the fence, noting that he cannot receive a quote from a fence company without that information. He stated that they enjoy their backyard and just want the property to be safe for their children. He noted a previous tree that needed to be removed and bushes that did not work, which would have provided the desired privacy. He commented that the fence seems to be the best option.

Commissioner Goldade asked if there had been a conversation with the property at 1411 Farmdale, as they would see the taller fence.

Mr. Michel replied that he had been told by neighbors that the property owner is not currently in the home, so they were unable to obtain his signature.

Chair Field opened the public hearing.

Seeing no one coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER JOHNSON MOVED, SECONDED BY COMMISSIONER CORBETT, TO CLOSE THE PUBLIC HEARING.

AYES: 6
NAYS: 0

Commissioner Corbett stated that he mostly aligns with the amended recommendation by staff. He stated that his question was related to where the tapering begins. He stated that someone standing on a deck and seeing into someone else's backyard would not be justification alone for a taller fence.

Commissioner Johnson agreed with the comment that neighbors standing on a porch and seeing into another yard would not be a practical difficulty. She stated that she could agree with a taller fence at the corner, but was unsure that 15 feet was the right length for the taper. She stated that she would like the fence to meet the six-foot height sooner rather than later, as that is the standard.

Community Development Manager Sarah Madden explained how she came to the 15-foot length recommendation. She recognized that the applicant wanted clarification on the type of taper and noted that while she did not specify the method of taper, the Commission could provide input.

Commissioner Stone commented that he had a similar fence and elevation change, noting that they installed a six-foot fence that ended up being 4.5 feet. He stated that he does not oppose the request.

Commissioner Johnson stated that she could support either the terraced or angled taper, but did not want to see the nine-foot extend for a long stretch into the neighbor's yard.

Commissioner Corbett agreed that the practical difficulty loses its argument at some point, as the practical difficulty is Wachtler. He stated that he trusts the staff recommendation and that the staff and the applicant could decide on the type of taper.

Commissioner Johnson referenced the side property line, which abuts 1411, and asked the distance of the property line.

Community Development Manager Sarah Madden replied that the existing fence in that location is 105 or 106 feet.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER GOLDADE, TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST, WITH CERTAIN CONDITIONS BASED ON CERTAIN FINDINGS OF FACT, AS INCLUDED, ALONG WITH THE FOLLOWING CONDITIONS:

1. THE PROPOSED HIGHER FENCE SHALL REQUIRE A BUILDING PERMIT (INSTEAD OF ZONING PERMIT) AS PER MINNESOTA STATE BUILDING CODES.
2. THE PROPOSED FENCE SHALL NOT EXCEED NINE FEET IN HEIGHT, AS MEASURED AT A POINT SIX INCHES BELOW THE TOP OF THE SUPPORTED POSTS.

3. THE PROPOSED FENCE SHALL TAPER FROM NINE FEET TO SIX FEET, BEGINNING AT THE POINT 15 FEET INWARD TO THE WEST FROM THE EXISTING FENCE BOUNDARY ADJACENT TO WACHTLER AVENUE.

AYES: 6
NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

B) PLANNING CASE 2025-08
GLENN BARON, 1415 MENDOTA HEIGHTS ROAD – CONDITIONAL USE PERMIT AMENDMENT

Community Development Manager Sarah Madden explained that Glenn Baron represents The Heights Social and Racquetball Club in their request to modify their Conditional Use Permit approval for outdoor commercial recreation, which was approved by the City in February 2024. Outdoor commercial recreation use is a conditional use in the I-Industrial zoning district when accessory to an approved indoor commercial recreation use.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Corbett referenced the recommended condition that the activity would be seasonal and asked if that is necessary.

Community Development Manager Sarah Madden commented that was a carryover condition from the previous approval, but agreed that could be omitted.

Commissioner Johnson appreciated the lighting information that was supplied. She asked if the lighting is downcast.

Community Development Manager Sarah Madden confirmed that all exterior lighting in the city is required to be downcast.

Glenn Baron, applicant, and Frank Zenk were present to address any questions of the Commission. Mr. Zenk stated that they are very excited to bring this outdoor padel activity to the community. He provided background information on the planning that has been done to properly plan for this use and welcomed any questions.

Chair Field commented that the charts provided were amazing.

Commissioner Goldade recognized the value that the indoor portion of the business has added to the community. He asked why the business is interested in expanding outdoors for such a short season.

Mr. Zenk replied that they would like to provide an exciting venue for their members in the summer, and people like to be outdoors when they can. He stated that padel also benefits from not having the limitation of a roof. He stated that pickleball players might enjoy the indoor environment because of the type of ball used and to avoid the wind, where the wind and outdoor environment add to the enjoyment of padel.

Mr. Baron commented that they have also run out of indoor space.

Mr. Zenk commented that they would not intend to use the outdoor courts once the snow falls. He agreed that it would be helpful to remove that condition or clarify that the area will not be used during times of snow.

Commissioner Johnson commented that this is an allowed use in the industrial district, and there has been no negative impact on residential properties in terms of noise or sound.

Commissioner Udell arrived.

Chair Field opened the public hearing.

Seeing no one coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER STONE, TO CLOSE THE PUBLIC HEARING.

AYES: 7
NAYS: 0

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER JOHNSON, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AMENDMENT FOR 1415 MENDOTA HEIGHTS ROAD, BASED ON THE FINDINGS OF FACT AND WITH THE FOLLOWING CONDITIONS:

1. ALL PARKING FOR THE MULTI-TENANT BUILDING MUST BE ACCOMMODATED ON SITE. ANY INDICATION THAT THE SITE IS UNDER PARKED MAY RESULT IN REQUIRED AMENDMENT TO THE SITE PLAN AND/OR THE CONDITIONAL USE PERMIT.
2. THE HOURS OF OPERATION FOR THE OUTDOOR COMMERCIAL RECREATION (PADEL AND PICKLEBALL COURTS) SHALL BE LIMITED TO 6 A.M. TO 11:30 P.M.

3. THE EXTERIOR LIGHTING SHALL NOT EXCEED A READING OF .2 FOOT-CANDLES WHEN MEASURED AT THE PROPERTY LINES.
4. SITE GRADING, EROSION CONTROL, AND STORMWATER MANGEMENT PLANS SHALL BE PROVIDED WITH A BUILDING PERMIT APPLICATION WHICH SHOW EXISTING CONTOURS, PROPOSED GRADING ELEVATIONS, STORMWATER MANGEMENT DETAILS, AND EROSION AND SEDIMENT CONTROL.
5. ALL GRADING AND CONSTRUCTION ACTIVITY MUST BE IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY'S LAND DISTURBANCE GUIDANCE DOCUMENT.

AYES: 7
NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

C) PLANNING CASE 2025-09
DARREL TUTEWOHL, 2150 AZTEC LANE – VARIANCE

Community Development Manager Sarah Madden explained that Darrel Tutewohl is seeking to construct a new three-season porch onto the single-family home located at 2150 Aztec Lane, in the place of a currently existing rear deck. The request requires a variance from rear yard setback requirements for such an addition in the R-1 Zoning District.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked if the impervious surface was calculated for the property.

Community Development Manager Sarah Madden replied that the property still meets the impervious surface calculation as the porch is the same size as the deck.

Commissioner Corbett asked if there is an overlay for older homes.

Community Development Manager Sarah Madden replied that is incorrect, as that was removed in the recent ordinance update.

Commissioner Goldade asked for details on the ownership of the rear property and the plans for development.

Community Development Manager Sarah Madden replied that the Dakota County Community Development Agency owns that property, and at this time, there is no plan to develop this site.

Darrel Tutewohl, applicant, stated that they have been at the property for 53 years. He explained that the deck is starting to deteriorate, and with their age, they would like more protection from the sun and insects. He noted that the porch would be slightly smaller than the deck to be flush with the wall. He stated that they are attempting to obtain to do what they can do on their small lot.

Chair Field opened the public hearing.

Gary Fischbach, 2150 Fox Place, stated that he also has a three-season patio on his home. He stated that he likes to see people improving their property and enjoying their property. He commented that the neighbors support this project and enjoy the wooded Dakota County property behind this property. He asked that the Commission support the request.

Seeing no one further coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER NATH, TO CLOSE THE PUBLIC HEARING.

AYES: 7
NAYS: 0

Commissioner Corbett commented that the justification of the applicant's narrative was off, but noted that the explanation of staff was correct, and therefore, his motion is based on the recommendation and justification provided by staff rather than the applicant.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER STONE, TO RECOMMEND APPROVAL OF THE 15-FOOT VARIANCE REQUEST FOR CONSTRUCTION OF THE PROPOSED PORCH, BASED ON THE FINDINGS OF FACT AND SPECIFIC CONDITIONS OF APPROVAL AS INCLUDED HEREIN, WITH THE FOLLOWING CONDITIONS:

1. THE 15-FOOT SETBACK VARIANCE IS EXCLUSIVELY FOR THE CONSTRUCTION OF A 10 X 12 THREE-SEASON PORCH IN THE REAR YARD.
2. THE APPLICANT SHALL NOT DEVIATE FROM THE PORCH PLAN UNDER THIS APPLICATION REVIEW WITHOUT FIRST SEEKING AND RECEIVING CITY APPROVALS, UNLESS CITY CODE PROVIDES FOR CERTAIN OR ALLOWABLE IMPROVEMENTS TO BE MADE WITHOUT ANY ADDITIONAL APPLICATION REVIEW PROCESS.
3. NO WORK BEGINS ON THE PROPOSED PORCH CONSTRUCTION UNTIL A BUILDING PERMIT HAS BEEN ISSUED BY THE CITY.

Further discussion: Commissioner Johnson stated that even though it is a smaller lot size, the impervious surface maximum is still not exceeded.

AYES: 7
NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

D) PLANNING CASE 2025-10
NORTHERN STATES POWER COMPANY (XCEL ENERGY), 800 SIBLEY MEMORIAL HIGHWAY – MRCCA PERMIT AND CONDITIONAL USE PERMIT

Community Development Manager Sarah Madden explained that Xcel Energy (Northern States Power Company) is seeking approval of a Mississippi River Corridor Critical Area (MRCCA) Permit and Conditional Use Permit, in order to authorize the construction of a new 24 x 24 electronic control center within the fenced compound area at the Sibley Propane Plant facility, located at 800 Sibley Memorial Highway.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked for clarification on the square shown in the overlays and asked if that is the proposed location for the improvement.

Community Development Manager Sarah Madden replied that square is a quirk of the Dakota County system and is not a specific part of this request. She confirmed that no tree removal is required.

George Wojcicki, Xcel Energy, provided additional details on the proposed structure. He noted that the existing building would remain as file storage.

Michael Mohs, Xcel Energy, stated that this plant is a peaking plant and represents a significant load that is required when the coldest weather comes around. He stated that the construction season is very tight.

Chair Field opened the public hearing.

Seeing no one coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER UDELL MOVED, SECONDED BY COMMISSIONER STONE, TO CLOSE THE PUBLIC HEARING.

AYES: 7
NAYS: 0

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER CORBETT, TO RECOMMEND APPROVAL OF THE PROPOSED MRCCA PERMIT AND AMENDED CONDITIONAL USE PERMIT REQUEST FROM XCEL ENERGY AND FOR THE PROPERTY LOCATED AT 800 SIBLEY MEMORIAL HIGHWAY, WITH THE FOLLOWING CONDITIONS:

1. THE NEW IMPROVEMENTS AND WORK DESCRIBED, ILLUSTRATED, AND DETAILED ON THE "SIBLEY PROPANE PLANT" PLANS, DATED 5-27-2025, AND ANY OTHER PLANS RELATED TO THIS PROJECT, SHALL BE THE ONLY WORK OR IMPROVEMENTS ALLOWED AND APPROVED UNDER THIS NEW MRCCA PERMIT.
2. FULL EROSION AND SEDIMENTATION MEASURES WILL BE PUT IN PLACE PRIOR TO AND DURING GRADING AND CONSTRUCTION WORK ACTIVITIES.
3. ALL GRADING AND CONSTRUCTION ACTIVITIES WILL BE IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY'S LAND DISTURBANCE DOCUMENT. THE APPLICANTS MUST SUBMIT AND RECEIVE A SWPPP PERMIT AND NPDES PERMIT (IF NECESSARY) PRIOR TO THE START OF ANY NEW CONSTRUCTION WORK.
4. ALL WORK ON SITE WILL ONLY BE PERFORMED BETWEEN THE HOURS OF 7 A.M. AND 8 P.M. MONDAY THROUGH FRIDAY; 9 A.M. TO 5 P.M. WEEKENDS.

AYES: 7
NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

New and Unfinished Business

A) TABLED PLANNING CASE 2025-103, SPENCER MCMILLAN – 1707 DELAWARE AVENUE – PRELIMINARY PLAT

Chair Field noted that he was not present at the last review, and the statement was made that he might have a conflict of interest as he lives in this area. He stated that after a conversation with the City Attorney, it was determined that he does not have a conflict of interest.

Community Development Manager Sarah Madden explained that the applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and the two vacant parcels are all owned by Spencer McMillan, the applicant in this planning case. The proposed plat is titled McMillan Estates, and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

Community Development Director Sarah Madden stated that in 2021, an application was submitted to the City for the subject site (by a different applicant and property owner) with a very similar proposal for subdivision of the existing three parcels into three new lots of record (Planning Case No. 2021-19). That prior application was withdrawn before the public hearing at the Planning Commission. Within the prior applicant's written notice of withdrawal, they indicated that the applicant team was unable to come to an agreement with the seller and property owner regarding a request for dedicated right-of-way along Delaware Avenue for Dakota County. The property sold following this withdrawn application, and the item in this planning case is a separate application by the current applicant and property owner.

Community Development Director Sarah Madden stated that this current property owner and applicant submitted a previous application in 2024, known as Planning Case No. 2024-01, which subdivided the subject site into three new lots of record. The Planning Commission reviewed that application at public hearings from March – June of 2024, and the City Council was not supportive of the applicant's prior request to defer public improvements. Ultimately, the applicant withdrew that prior application in order to resubmit with greater detail and required information to the City relating to the construction of the cul-de-sac extension of Ridgewood Drive.

Community Development Manager Sarah Madden stated that this item was presented under a fully noticed public hearing process on May 27, 2025, and nine residents spoke at that public hearing. Written comments have also been received for this item and are included in the report. As of the submittal of this report, there were seven instances of public comment and have been included in the public comments.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Stone asked if the wetland impacts would not be approved until August 19th.

Community Development Manager Sarah Madden replied that she does not have a specific date that the City will act on that. She stated that the TAC has met and recommended approval.

Commissioner Stone stated that he would prefer to wait until that approval is gained.

Community Development Manager Sarah Madden stated that this is a preliminary plat, and both matters can run concurrently. She stated that one does not have to be approved before the other,

and the recommendation on the wetland will be provided to the City Council for consideration. She stated that the City needs to take action on both the preliminary plat and the wetland by August 19th. She stated that tabling this would limit the amount of time the City Council can consider and discuss this item.

Commissioner Stone commented that the majority of concern from the neighborhood is related to building on wetlands.

Commissioner Corbett stated that things can keep moving in parallel, and if the wetland is not approved as recommended, this would not be approved by the City Council. He stated that he would not want to table again, as that would limit the ability of the City Council to have more than one discussion.

Commissioner Stone asked if this decision would be part of the review for the wetland.

Community Development Manager Sarah Madden replied that those are separate applications and reviews, noting that the wetland decision is not based on the proposed preliminary plat recommendation and is instead reviewed under specific criteria and involves other agencies with that type of jurisdiction. She confirmed that the recommendation of the Planning Commission on this case has no bearing on the wetland decision.

Commissioner Corbett asked and received confirmation that the other agencies involved in the wetland review have already recommended approval.

Commissioner Goldade referenced the comments made by a resident at the last meeting related to the Comprehensive Plan and asked if staff believes that there should be a comprehensive plan for the development of this area or whether development can be done piece by piece. He wanted to ensure that the Koehlers could develop their property in the future.

Community Development Manager Sarah Madden replied that the Comprehensive Plan of the City mentioned the R-E properties and the ability for future development if streets and utilities are extended. She stated that residents have stated that they would like an overall plan for all potentially developable properties, but individual property owners have the right to develop their property alone. She stated that the applicant has included the preliminary easement to the north for utilities, which abuts the Koehler property. She stated that City staff does not recommend that to be dedicated as right-of-way and prefers the easement option.

Commissioner Goldade asked if the tree replacement would be done onsite.

Community Development Manager Sarah Madden stated that there is a related condition recommended that addresses that issue. She stated that an attempt must be made to replace trees onsite prior to providing an alternative replacement measure. She stated that the applicant has stated that not all trees can be replaced onsite, and an arborist would make the determination as to whether it is feasible.

Commissioner Johnson referenced the issue of right-of-way and stated that it is her understanding that the original cul-de-sac did have a right-of-way and not just easements, which allows for Mr. McMillan to extend the cul-de-sac. She commented that if it were just an easement, it is her understanding that the two adjacent property owners could veto the right-of-way that would be needed. She stated that the new cul-de-sac would be 25 feet and would not provide compliant right-of-way; therefore, adjacent property owners could not use that for future development. She believed that a compliant 60-foot right-of-way should be required to allow the northern property owner to develop in the future.

Commissioner Udell stated that there is language in the Comprehensive Plan preventing property from becoming landlocked.

Community Development Manager Sarah Madden replied that the preliminary plat in this application shows a 60-foot-wide easement.

Commissioner Johnson stated that she would prefer to have this as a right-of-way rather than an easement.

Commissioner Corbett agreed it would be reasonable to request that be right-of-way rather than an easement.

Commissioner Udell agreed.

Commissioner Corbett referenced lot six and stated that he would like the City Council to consider whether the omission of that lot would placate the neighborhood, as that one home seems to impact the residents more than the others.

Commissioner Johnson stated that there are forestry requirements to replace trees on the property, but also recognized potential impacts that could occur to trees on adjacent properties if that lot were developed. She stated that there seems to be agreement that the 60-foot right-of-way should be required in place of the easement. She was unsure how to detail the comments related to the potential elimination of lot six and tree impacts.

Commissioner Corbett was unsure of how lot six could be denied, as it would be a preference of the neighborhood and not anything violating ordinance or requiring a variance.

Commissioner Udell agreed with the concern related to the trees on the existing lot adjacent to lot six, but recognized that some of that is speculative. He stated that a tree could die in five years, but that does not necessarily mean it is a result of development.

Commissioner Corbett commented that there are many driveways in the same proximity throughout the city. He stated that if a driveway could not be closer than 40 feet to a big tree, that would be impossible to enforce within the community, and many properties would be out of compliance.

Commissioner Stone commented that it seems there are different concerns members have on this request.

Commissioner Udell stated that, based on the role of the Planning Commission, he appreciates staff following up on the concerns raised at the last meeting. He agreed that the requirement of right-of-way should be included. He recognized that the wetlands review is outside of the purview of the Commission, and everything else complies. He stated that the City Council has more discretion, but the Commission is where it is, as the request meets the requirements.

Commissioner Johnson asked how the language could be worded to ensure protection of the trees on adjacent properties.

Community Development Manager Sarah Madden asked if the Commission simply wants it communicated to the Council, as she can do that in her presentation and within the staff report, or whether they were looking to add another condition. She stated that the urban forest preservation ordinance does not speak to impacts on adjacent properties, and therefore, she would not recommend adding language to that condition. She agreed that it would be broad to just state construction impacts, as that could be dust, noise, or other code enforcement items.

Public Works Director Ryan Ruzek commented that for street projects, they require roots to be treated and sealed. He stated that there would be difficulty in stating that a driveway could not be constructed that meets the City Code.

Commissioner Johnson commented that there will be impacts to those trees on the adjacent property and wanted to ensure that assisting this resident in moving forward does not cause detriment to another resident.

Commissioner Corbett suggested making a new condition stating that an attempt must be made to mitigate damage to trees on adjacent properties.

Community Development Director Sarah Madden stated that if the condition is added, she would recommend language similar to what Public Works Director Ryan Ruzek suggested. She stated that the procedure for the tree permit does include those protective measures, and it is implied for off-site impacts as well.

Commissioner Johnson stated that, in her opinion, there will be no protection that will help those trees, and she would rather require replacement.

Commissioner Corbett stated that perhaps the applicant would potentially be liable for tree replacement on the adjacent property.

Community Development Manager Sarah Madden noted that would be outside of the scope of authority within preliminary plat. She stated that there may be some wiggle room on where the driveway could be located as long as the property setback of five feet is met, along with the wetland buffer requirement. She stated that a large-scale adjustment could not be made because of the location of the wetland and its required buffer.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER NATH, TO RECOMMEND APPROVAL OF THE APPLICATION OF SPENCER MCMILLAN FOR THE PRELIMINARY PLAT OF A SIX-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS MCMILLAN ESTATES, BASED ON THE FINDINGS OF FACT AS INCLUDED HEREIN, WITH THE FOLLOWING CONDITIONS:

1. THE PRELIMINARY PLANS PRESENTED UNDER THIS PLAT REQUEST DO NOT REPRESENT OR PROVIDE APPROVAL OF BUILDING PAD SITES, SETBACKS, ACCESSORY STRUCTURES, OR DRIVEWAY ALIGNMENTS. FINAL LAYOUTS MUST MEET R-E ZONE STANDARDS AND SHALL BE APPROVED UNDER SEPARATE BUILDING PERMITS FOR EACH LOT.
2. A BUILDING PERMIT, INCLUDING ALL NEW GRADING AND DRAINAGE WORK, MUST BE APPROVED BY THE CITY PRIOR TO ANY NEW CONSTRUCTION WORK.
3. THE DEVELOPER/APPLICANT SHALL SUBMIT FINAL GRADING AND UTILITY PLANS AND A DIMENSIONED SITE PLAN WITH ASSOCIATED EASEMENTS, SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING DEPARTMENT AND ENGINEERING DEPARTMENT AS PART OF ANY BUILDING PERMIT APPLICATION.
4. ALL NEW CONSTRUCTION AND GRADING ACTIVITIES THROUGHOUT THIS DEVELOPMENT SITE AND ON EACH NEW BUILDABLE LOT SHALL BE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY'S LAND DISTURBANCE GUIDANCE DOCUMENT.
5. STORMWATER MANAGEMENT SHALL BE MANAGED FOR THE ENTIRE DEVELOPMENT AND DEDICATED IN A UTILITY EASEMENT AS PART OF THE FINAL PLAT. STORMWATER MANAGEMENT FOR WATER QUALITY MANAGEMENT SHALL NOT BE DEFERRED TO THE INDIVIDUAL SINGLE-FAMILY HOME LOTS.
6. PUBLIC UTILITY EASEMENT LOCATIONS, INCLUDING EASEMENTS FOR STORMWATER MANAGEMENT FACILITIES AND BEST MANAGEMENT PRACTICES (BMP) AREA(S) MUST BE ESTABLISHED, APPROVED BY THE CITY, AND INCLUDED IN THE FINAL PLAT PRIOR TO RELEASE OF THE FINAL PLAT FOR RECORDING WITH DAKOTA COUNTY.
7. ALL WETLAND IMPACTS SHALL BE IN COMPLIANCE WITH THE APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, INCLUDING TITLE 12-ZONING, SECTION 12-4A-4: WETLAND REQUIREMENTS AND TITLE 15-ENVIRONMENTAL STANDARDS, CHAPTER 4: WETLAND CONSERVATION.
8. THE FOREST MANAGEMENT PLAN SHALL BE UPDATED TO INCLUDE THE REPLACEMENT OF TREE REMOVAL IMPACTS, IN ACCORDANCE WITH TITLE 15-ENVIRONMENTAL STANDARDS, CHAPTER 3: URBAN FOREST PRESERVATION. AN ATTEMPT MUST BE MADE TO MITIGATE TREE REMOVAL IMPACTS ON SITE PRIOR TO PROVIDING AN ALTERNATIVE TREE REPLACEMENT MEASURE TO THE CITY.
9. IN LIEU OF LAND DECIATION, THE DEVELOPER/APPLICANT SHALL PAY A PARK DEDICATION FEE IN THE AMOUNT OF $4,000 PER UNIT (6 LOTS =

$4,000/UNIT, OR $24,000) IS TO BE COLLECTED AFTER CITY COUNCIL APPROVAL AND BEFORE THE FINAL PLAT IS RELEASED FOR RECORDING WITH DAKOTA COUNTY, AND BEFORE THE ISSUANCE OF ANY PERMITS.

10. ANY NEW OR EXISTING SANITARY OR WATER SERVICE LINES MUST BE REVIEWED BY THE PUBLIC WORKS DIRECTOR AND/OR ST. PAUL REGIONAL WATER SERVICES PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.
11. THE APPLICANT/DEVELOPER MUST PROVIDE A BEST MANAGEMENT PRACTICES (STORMWATER MANAGEMENT) AGREEMENT TO THE CITY AS PART OF THE BUILDING PERMIT SUBMITTAL AND REVIEW PROCESS FOR EACH NEW HOME AND NEW IMPERVIOUS SURFACE.
12. A DEVELOPMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS AND UTILITIES SHALL BE EXECUTED TO THE SATISFACTION OF THE CITY COUNCIL BEFORE THE FINAL PLAT IS RELEASED FOR RECORDING WITH DAKOTA COUNTY, AND BEFORE THE ISSUANCE OF ANY PERMITS.
13. THE APPLICANT/DEVELOPER SHALL INSTALL ALL PUBLIC IMPROVEMENTS, INCLUDING THE EXTENSION OF THE PUBLIC STREET IDENTIFIED ON THE PLAT AT RIDGEWOOD DRIVE AND THE NECESSARY UTILITY INSTALLATIONS, IN COMPLIANCE WITH ALL CITY REQUIREMENTS, PRIOR TO THE APPLICATION OF ANY BUILDING PERMIT FOR PRIVATE CONSTRUCTION OR IMPROVEMENTS WITHIN THE PLAT.
14. THE EXISTING CUL-DE-SAC “BULB” OF THE EXISTING RIDGEWOOD DRIVE MUST BE REMOVED AND RECONSTRUCTED TO CITY STREET STANDARDS PRIOR TO APPLYING FOR ANY BUILDING PERMIT FOR PRIVATE CONSTRUCTION OR IMPROVEMENTS WITHIN THE PLAT.
15. THERE MUST BE A 60-FOOT RIGHT-OF-WAY DEDICATED TO THE NORTH BOUNDARY OF THE PLAT.
16. AN ATTEMPT MUST BE MADE TO MITIGATE TREE DAMAGE TO ADJACENT PROPERTIES.

Further discussion: Commissioner Corbett asked that the Council consider lot six and whether it could be eliminated, and the Commission agreed.

Chair Field commented that this is a much more intense development than what was considered earlier this year, and he would have preferred the previous development proposal. He recognized that there is no way this could be denied because it meets all requirements.

Commissioner Corbett commented that the previous application had more errors and therefore did not conform with the City Code.

Chair Field commented that the previous application would have been better for the neighbors, noting that he agrees with the right-of-way requirement to support the preservation of development rights for the Koehlers.

Commissioner Goldade stated that if he were to vote with his heart, he would vote no, but recognizes that is not his job and the request meets all requirements. He believed that the Commission has done its job in ensuring that all requirements are met.

Commissioner Johnson agreed that it is the job of the Commission to ensure consistency with ordinances and the Comprehensive Plan and to protect the rights of those looking to develop and residents surrounding the subject property.

AYES: 7
NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

Staff Announcements / Updates

Community Development Manager Sarah Madden provided an update on planning cases recently considered by the City Council and other items of interest to the Commission. She noted that she will be planning to hold a worksession in the coming months.

Commissioner Corbett asked for information on PUDs and whether they are reversible.

Community Development Manager Sarah Madden replied that is a change in zoning, and therefore, a zoning change would be necessary to remove that PUD.

Public Works Director Ryan Ruzek noted that approvals for a PUD have a specified timeline for when development must begin.

Adjournment

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER CORBETT, TO ADJOURN THE MEETING AT 9:23 P.M.

AYES: 7
NAYS: 0

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

AIRPORT RELATIONS COMMISSION MINUTES
May 21, 2025

The regular meeting of the Mendota Heights Airport Relations Commission was held on Wednesday, May 21, 2025 at Mendota Heights City Hall, 1101 Victoria Curve.

1. CALL TO ORDER

Chair Norling called the meeting to order at 6:00 pm.

Commissioners present: Norling, Sloan, Dunn, Neuharth. Absent: Sharma, Hamiel, Bobbitt

Staff present: City Administrator Jacobson and Administrative Coordinator Desmond.

2. CONSENT AGENDA

a. Approve Minutes from the September 18, 2024 Meeting
b. Approve Minutes from the November 20, 2024 Meeting
c. Acknowledge Airport Operational Statistics Reports
    1. Complaint Information
    2. Runway Use Information

Commissioner Sloan noted that the minutes from the November 20, 2024 meeting did not state who attended the meeting. City Administrator Jacobson explained that the November meeting was a joint meeting with the city of Eagan ARC, and attendance was not taken.

Commissioner Dunn asked to have his question about air traffic control staffing on the next agenda.

Commissioner Neuharth commented about runway use for departures north of the corridor, noting the increase in November, December, 2024, and January 2025, and asked that an inquiry be made with MAC for an explanation of the increase and if the usage could be brought closer to the mean level. City Administrator Jacobson said she will forward the question to MAC staff.

Chair Norling noted that the April complaints for Mendota Heights have gone up a lot over the last few years.

Chair Norling approved the consent agenda.

3. PUBLIC COMMENTS

Rob Meyer, 1399 Clement St, had questions about going from a commission to a committee.

Chair Norling stated that the group would discuss those questions later in the meeting since it is on the agenda.

Rose Agnew, 671 Woodridge Dr, talked about an air traffic control article published in the Washington Post that she would like to share.

City Administrator Jacobson asked Rose to send it to her.

4. BUSINESS

a. ARC Update to the City Council

Chair Norling initiated a discussion on providing an update to the City Council and asked Commissioners Sloan and Dunn to contribute background information on the history and role of the ARC Commission.

Chair Norling read the commission's powers and duties as outlined in the city code, stating her belief that this language defines the purpose of the ARC Commission.

Commissioner Dunn noted that without the commission's oversight, issues such as increased runway usage and other operational concerns at MSP would likely go unaddressed. He emphasized that the ARC Commission plays a critical role in monitoring activity and advocating for the community.

Chair Norling requested Commissioner Neuharth's assistance in drafting a summary of the ARC's current initiatives and activities.

City Administrator Jacobson asked when the commission intended to present the update to the City Council.

Chair Norling proposed reviewing the draft content at the next ARC meeting, with the goal of presenting to the City Council in August.

Commissioner Dunn recalled that similar presentations to the Council were made annually in the past. Chair Norling confirmed that the last formal update occurred in 2015.

City Administrator Jacobson encouraged the commission to consider its future direction, including how institutional knowledge can be passed along to new members.

Chair Norling then recognized Rose Agnew, who underscored the value of involving realtors in community education efforts related to airport impacts.

City Administrator Jacobson suggested the commission consider evolving into more of an educational body, focused on outreach and public awareness.

b. Commission Structure Discussion

City Administrator Jacobson began the discussion by clarifying the distinction between a commission and a committee, noting the differences in formality, structure, and scope of authority.

Commissioner Sloan raised the importance of having a resource for residents to voice concerns and observations, questioning where those comments would go if the Commission were no longer in place. He emphasized the need for a body that can monitor and share knowledge on aviation-related impacts.

Commissioner Dunn expressed concern that consistent monitoring might be lost under a committee structure, stressing that continuity is critical to the commission's role.

City Administrator Jacobson stated that city staff would continue to conduct monitoring and provide data, including making the charts every two months, as is currently being done.

Commissioner Sloan commented that as long as there remains an opportunity for residents to meet and discuss issues—whether through a commission or a committee—the structure may be less important than maintaining open dialogue.

City Administrator Jacobson discussed how changes could be made and what the structure of a committee could be. She also said that the commission may need to evolve to meet changing needs and explained that a more flexible model could allow broader participation.

Chair Norling commented that with a set meeting schedule, those interested will stay on top of what they need to do, but if there aren't any meetings, then people may get lax and not keep up if they don't need to.

Chair Norling then recognized Rose Agnew, who raised a question about how a transition to a committee format might affect public participation and interaction.

City Administrator Jacobson explained that a committee structure could potentially allow for a more inclusive format, enabling additional stakeholders and residents to participate beyond commission members.

Commissioner Neuharth asked what the committee's structure would look like.

City Administrator Jacobson suggested the possibility of scheduling two formal meetings per year, with additional meetings added as needed.

Commissioner Neuharth expressed concerns about the timing of the change to a committee with RNAV going into place, and noted that this would be a big change in Mendota Heights.

Commissioner Dunn said that he didn't think that RNAV going into place would be that big of a deal for Mendota Heights.

City Administrator Jacobson explained that the NOC workplan incudes assessing and monitoring any potential changes once RNAV is implemented. She also mentioned that the implementation timeline has slipped, delaying implementation.

5. INFORMATION AND CORRESPONDENCE

City Administrator Jacobson said that she will send out the news article discussed.

City Administrator Jacobson said that phase one construction was complete and the runway reopened today, two days early, and phase two will be in August

City Administrator Jacobson said that the next NOC Listening Session will be in Highland in July.

6. ANNOUNCEMENTS AND COMMISSIONER COMMENTS

7. ADJOURN

Motion by Neuharth and second by Sloan to adjourn the meeting.
Motion carried 4-0.

Chair Norling adjourned the meeting at 7:21pm.

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Approve Out of Metro Travel Request for the City Clerk

ITEM TYPE: Consent Item

DEPARTMENT: Administration **CONTACT:** Nancy Bauer, City Clerk

ACTION REQUEST:

Approve Out of Metro Travel Request for the City Clerk to attend the Minnesota Municipal Clerks Advanced Academy conference in Rochester, Minnesota.

BACKGROUND:

City policy requires that the City Council approve any travel to a location outside the metro area for city employees.

The Municipals Clerk and Finance Officers Association of Minnesota (MCFOA) Advanced Academy will be held from September 18 to September 19, 2025, in Rochester, Minnesota. The academy is designed for certified municipal clerks to further their training.

FISCAL AND RESOURCE IMPACT:

Attendance for this conference is a budgeted expense. Estimated lodging and conference registration is $600.00.

ATTACHMENTS:

None

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Accept the Resignation of Peter Johnson from the Mendota Heights Fire Department

ITEM TYPE: Consent Item

DEPARTMENT: Administration

CONTACT: Dan Johnson, Fire Chief
Kelly Torkelson, Assistant City Administrator

ACTION REQUEST:
Accept the resignation of firefighter Peter Johnson from the Mendota Heights Fire Department efffective July 20, 2025.

BACKGROUND:
Peter Johnson was recruited to the Mendota Heights Fire Department in 2024. While Peter has done well in the fire academy and become a valuable member of the department, he is moving out of the City and will no longer be able to serve. Peter's last day with the department was July 20, 2025.

FISCAL AND RESOURCE IMPACT:
Peter's position in the fire department was a budgeted position. Staff are anticipating filling his position with one of the 2025 fire recruits.

ATTACHMENTS:
None

CITY COUNCIL PRIORITY:
Premier Public Services & Infrastructure

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Authorize the Hiring of Five Probationary Firefighters by the Mendota Heights Fire Department

ITEM TYPE: Consent Item

DEPARTMENT: Administration

CONTACT: Dan Johnson, Fire Chief
Kelly Torkelson, Assistant City Administrator

ACTION REQUEST:
Authorize the hiring of Rachel Miller, Nick Segl, John Samec, Christopher Jones, and Joe Fitzgerald as probationary firefighters with the Mendota Heights Fire Department.

BACKGROUND:
The Mendota Heights Fire Department operates with a paid-on-call staffing model. This is based on recruiting community residents who live within a specified distance from the fire station to serve on the department. The selected candidates will actively participate in ongoing training and respond regularly to fire department calls in the community.

The Fire Department operates an in-house training academy that new hires attend during their first year with the department. Applicants do not need to have pre-existing firefighting experience. Once hired, probationary firefighters receive training to complete certification as Firefighter I, Firefighter II, Hazardous Materials Operator, and Emergency Medical Responder.

Candidates are selected after an extensive hiring process. The recruitment process begins in February with three months of outreach, engagement, and information sessions held at the fire station. Interested individuals get an opportunity to talk with current firefighters and learn what to expect when serving with the department. Applicants who meet minimum qualifications then go through a panel interview process, which concludes with a recommendation of candidates to move forward through a public safety background check, psychological exam, and medical exam processes. The candidates being recommended have successfully completed this process.

FISCAL AND RESOURCE IMPACT:
If hired, the addition of the five probationary firefighters will result in the Mendota Heights Fire Department being fully staffed with 36 firefighters. These positions are budgeted for within the city's budget. Probationary firefighters would be hired according to the schedule set forth in

Resolution 2024-82, which adopted the 2025 Pay Classification Plan for Non-Union Employees. The current hourly rate for firefighters in their first year is $12.06 per hour.

ATTACHMENTS:

None

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Authorize Recruitment and Approve the Addition of One Assistant Training Officer Position and Change the Position Title to Training Lieutenant with the Mendota Heights Fire Department.

ITEM TYPE: Consent Item

DEPARTMENT: Fire **CONTACT:** Dan Johnson, Fire Chief

ACTION REQUEST:
Authorize recruitment and approve request to add one additional Assistant Training Officer position and change the position title to Training Lieutenant.

BACKGROUND:
Due to the critical nature of training for the effective operation of the Fire Department, a review of the structure and workload of the Training Office was conducted by the Fire Department's Officer staff. The result of this review was the recommendation that the training staff be increased from the current Training Officer and Assistant Training Officer structure to a Training Officer and two Assistant Training Officers. The requested change would result in the Fire Training staff consisting of one Training Officer with the rank of Captain, and two Assistant Training Officers, both with the rank of Lieutenant.

This structure will allow the Assistant Chief and the Training Officer to more effectively manage the many facets of training (including initial certifications, recertification training, recertification application processes, and ongoing skills training) and to more efficiently delegate tasks and responsibilities to the Training Lieutenants. Two additional benefits of the requested change are:

1. This change directly addresses concerns about training staff workload and the need for greater support for this function, as identified in last year's leadership and organizational survey conducted during the Fire Chief selection process.
2. The Training Department provides an outstanding opportunity for fire career development and succession planning in the department as we work to develop the future leadership of the department internally.

FISCAL AND RESOURCE IMPACT:
This change would promote two current firefighters to the position of Training Lieutenant. The

first hire is budgeted for through the current Assistant Training Officer position. The second Training Lieutenant position would result in approximately $950 in incremental pay in 2025 due to the stipend and hourly pay differential included with the position.

ATTACHMENTS:

1. MHFD Training Lieutenant Job Description

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure, Inclusive and Responsive Government

MENDOTA HEIGHTS FIRE DEPARTMENT

Training Lieutenant Position

Position Summary

The MHFD Training Lieutenant position helps to plan, organize, execute, evaluate, and coordinate fire and emergency medical training, and assists with administering the record keeping and certification processes associated with these training activities. The scope of work includes both department training and fire academy.

Position Description

There are two Training Lieutenant roles. Each entails a four-year commitment, with a two-year overlap; therefore, there is a hiring process for one position every two years.

The positions of Training Lieutenant are filled by direct appointment of the Assistant Fire Chief, with input from the Training Captain and Fire Chief.

The Training Lieutenants work under the direction and supervision of the Training Captain. Specific duties assigned to each Lieutenant may vary depending on the skills, aptitudes and experience of the selected individuals, and will be revisited and determined collaboratively by the training department every two years and ongoing as needed. Training Lieutenants will be expected to take on stretch assignments to grow their leadership and training related skills.

Duties and Responsibilities

1. Support the Training Captain with developing training programs, schedules and lesson plans.
2. Work collaboratively with officers and instructors on implementing lesson plans for department drills and academy sessions.
3. Provide coordination and skills coaching during department drills and academy sessions.
4. Coordinate instructor schedules, mentor instructors on training best practices and procedures, evaluate instructor effectiveness and quality of training delivery.
5. Orient probationary firefighters to the station, its apparatus, equipment, personnel, culture, policies, and standard operating guidelines.
6. Mentor probationary firefighters in their professional development.
7. Ensure that all training is done safely and in accordance with department procedures.
8. Administer certification and recertification processes for all department members.
9. Assist with and manage electronic credentials and record keeping.
10. Prepare routine records and/or reports as needed.
11. Maintain efficient and timely communications with fellow department members on training related matters.

12. Follow and enforce all department policies, support a positive and inclusive department culture, and maintain working knowledge of department standard operating guidelines (SOGs).
13. Enforce data privacy and information security.
14. Assist with other duties as directed by the Training Captain or Assistant Fire Chief.

Required Knowledge, Skills, and Abilities

1. Two (2) years of firefighting experience with Mendota Heights Fire Department.
2. Must have fulfilled all training certifications as spelled out in the policy defining a Firefighter.
3. Considerable knowledge of fire ground operations, current training methods; thorough knowledge of emergency medical treatment and rescue techniques; basic knowledge of fire department/government management and procedures.
4. Current skills or strong aptitude to develop skills in writing lesson plans and designing training to effectively address established learning objectives for all members of the department.
5. Ability to accurately execute lesson plans for fire and medical training. This includes planning training session logistics, supervising instructors, and ensuring training objectives and timing are adhered to.
6. Experience in a leadership role and/or strong aptitude for leadership skills including coaching, mentoring, giving and receiving feedback.
7. Organizational and administrative skills including computer literacy, detail orientation, and ability to quickly and accurately complete complex and mundane online tasks.
8. Able to work in a collaborative team environment where priorities are set by the leadership team.
9. Ability to commit to serving at least four (4) years in the position.
10. Able to complete the following:
    - Fire Instructor I certification within one year from the hire date
    - Blue Card certification within 18 months from the hire date

Physical Requirements

The Training Lieutenant must be able to meet all physical requirements as listed under the “Firefighter” job description.

Work Environment

The Training Lieutenant must be able perform in the same work environment as listed under the “Firefighter” job description.

Position Relationships

The Training Lieutenant reports directly to the Training Captain.

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Acknowledge the April, May, and June 2025 Fire Synopses

ITEM TYPE: Consent Item

DEPARTMENT: Fire

CONTACT: Assistant Fire Chief Scott Goldenstein

ACTION REQUEST:

Acknowledge the April, May, and June 2025 Fire Synopses

BACKGROUND:

The Fire Synopses are for your information.

FISCAL AND RESOURCE IMPACT:

None.

ATTACHMENTS:

1. 04 April 2025
2. 05 May 2025
3. 06 June 2025

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

CITY OF
MENDOTA HEIGHTS

April 2025 Fire Synopsis

Fire Calls: 21

For April 2025, the Mendota Heights Fire Department paged for service a total of 21 times.

Mendota Heights	17 calls
Lilydale	2 calls
Mendota	0 calls
Sunfish Lake	2 calls
Other	0 calls
Total	21 calls

Types of calls:

Fires: 1- Mendota Heights responded to one structure fire in April. The fire was contained to a single room and its contents with significant smoke damage throughout the 2nd floor.

Medical/Extrication: 8- April had the department responding to 8 different medical and/or extrication calls. Of those, four were medicals, one was removal of an occupant from a stalled elevator, and three were calls for accidents requesting extrication.

Hazardous Situations: 3- The month had the MHFD paged for one power lines down call, one for a vehicle that hit a gas meter causing a gas leak outside of a senior living facility, and the third call was for containment of vehicle fluids at an accident scene.

False Alarms/System Malfunctions: 3- MHFD responded to three false alarms in April.

Good Intent: 1- In late April, the department responded to what the resident thought was an electrical odor, but no problem was found.

Dispatched and Cancelled En route: 5- There were five calls in April that were cancelled before fire arrived on scene

CITY OF
MENDOTA HEIGHTS

April Trainings

Wed, April 9, 18:30

Company Operations Mandatory Option 1

This drill had multiple stations to practice fireground scenarios. These included building standpipe operations, victim search scenarios, and SCBA familiarity drills (with zero visibility).

Mon, April 15, 07:00
SCBA Confidence Trailer Elective Option 1

For this drill a semi-trailer with multiple levels and limited space and requires firefighters to be familiar with their SCBA, being able to doff or don it to make it through challenging openings and spaces. The firefighters are monitored via cameras while in the trailer.

Sat, April 19, 08:00
SCBA Confidence Trailer Elective Option 2

For this drill a semi-trailer with multiple levels and limited space and requires firefighters to be familiar with their SCBA, being able to doff or don it to make it through challenging openings and spaces. The firefighters are monitored via cameras while in the trailer.

Sat, April 21, 18:30
Company Operations Mandatory Option 2

This drill had multiple stations to practice fireground scenarios. These included building standpipe operations, victim search scenarios, and SCBA familiarity drills (with zero visibility).

Tues, April 24, 07:00
Company Operations Mandatory Option 3

This drill had multiple stations to practice fireground scenarios. These included building standpipe operations, victim search scenarios, and SCBA familiarity drills (with zero visibility).

Thurs, April 24, 18:00
Live Burn Mandatory Option 1

Each firefighter is required to attend a live burn session annually. This year the live burn training was held at the East Metro Public Safety Training Facility in Oakdale. Scenarios are set up where crews do fire attacks, search, pumping and command and control all with live fire conditions. This drill is an extended length drill.

MENDOTA HEIGHTS FIRE DEPARTMENT
APRIL 2025 MONTHLY REPORT

Number of Calls 21 Total Calls for Year 115

FIRE ALARMS DISPATCHED:	NUMBER
ACTUAL FIRES	
Structure - MH Commercial	
Structure - MH Residential	1
Structure - Contract Areas	
Cooking Fire - confined	
Vehicle - MH	
Vehicle - Contract Areas	
Grass/Brush/No Value MH	
Grass/Brush/No Value Contract	
Other Fire	
OVERPRESSURE RUPTURE	
Excessive heat, scorch burns	
MEDICAL	
Emergency Medical/Assist	2
Vehicle accident w/injuries	1
Extrication	3
Medical, other	2
HAZARDOUS SITUATION	
Spills/Leaks	1
Carbon Monoxide Incident	
Power line down	1
Arcing, shorting	
Hazardous, Other	1
SERVICE CALL	
Smoke or odor removal	
Assist Police or other agency	
Service Call, other	
GOOD INTENT	
Good Intent	1
Dispatched & Cancelled	5
Smoke Scare	
HazMat release investigation	
Good Intent, Other	
FALSE ALARMS	
False Alarm	1
Malfunction	1
Unintentional	1
False Alarm, other	
MUTUAL AID	
Total Calls	**21**

	STRUCTURE	CONTENTS	MISC.	TOTALS TO DATE
TOTAL MONTHLY FIRE LOSSES				
				$0
		$35,000		$70,000
	$0	$35,000	$ - $0	$ -

FIRE LOSS TOTALS

ALL FIRES, ALL AREAS (MONTH) $35,000

Mendota Heights Only Structure/Contents	$35,000
Mendota Heights Only Miscellaneous	
Mendota Heights Total Loss to Date	$35,000
Contract Areas Loss to Date	$0

LOCATION OF FIRE ALARMS

	Current	To Date	Last Year
Mendota Heights	17	94	83
Lilydale	2	10	8
Mendota	0	0	2
Sunfish Lake	2	4	6
Other	0	7	12
Total:	**21**	**115**	**111**

WORK PERFORMED	Hours	To Date	Last Year
Fire Calls	266.5	1359	1390
Meetings	84.3	188.6	420.25
Training	450	1367.5	1488
Special Activity	65.5	101.3	77.55
Fire Marshal		0	
TOTALS	866.3	3016.4	3375.8

FIRE MARSHAL'S TIME FOR MONTH

Inspections	
Investigations	
Re-Inspection	
Meetings	
Administration	
Plan Review/Training	
TOTAL:	0

CITY OF
MENDOTA HEIGHTS

May 2025 Fire Synopsis

Fire Calls: 24

For May 2025, the Mendota Heights Fire Department paged for service a total of 24 times.

Mendota Heights	20 calls
Lilydale	1 call
Mendota	0 calls
Sunfish Lake	1 call
Other	2 calls
---	---
Total	24 calls

Types of calls:

Fires: 3- The fire department was called upon to extinguish a burning panel truck used for HVAC service. Engine 10 was on the initial fire attack, and Ladder 11 was assigned to assist. This was a unique situation since the truck was also carrying cylinders of compressed combustible gases that needed to be addressed and cooled. The department was also paged for a grass brush fire and a vehicle fire in May.

Medical/Extrication: 4- There were four pages for medical/extrication type calls. Two of the calls were medicals and the other two were for vehicle accidents but no injuries ended up needed fire department assistance.

Hazardous Situations: 2- The MHFD had one call for a powerline down and one for a cut gas line by a construction crew.

Service Calls: 1- There was one call for significant smoke in a neighborhood to investigate. It was discovered that a home had an unattended fire that was giving off a significant amount of smoke and weather conditions were keeping it very low to the ground as it travelled.

False Alarms/System Malfunctions: 5- MHFD found the cause of three false alarms to be due to system malfunctions and two due to unintentional trips of alarms.

Good Intent: 3- In the category of good intent, the department was paged for one call for smoke in the area, but no source/problem was found. The department was also paged to assist medics with access to a patient's apartment where a medical alarm had been activated, but a family member with access arrived before fire and granted them access. Finally, the third call was for a smell of gas in a home.

Dispatched and Cancelled En route: 4- Four times the department was paged and cancelled before arriving on scene.

Mutual/Auto-Aid Other: 2- The fire department was paged for two structure fire calls in West St Paul. The department was cancelled before going enroute on one, and the other Ladder 11 responded to.

CITY OF
MENDOTA HEIGHTS

May Trainings

Wed, May 6, 07:00
Live Burn Mandatory Option 2

Each firefighter is required to attend a live burn session annually. This year the live burn training was held at the East Metro Public Safety Training Facility in Oakdale. Scenarios are set up where crews do fire attacks, search, pumping and command and control all with live fire conditions. This drill is an extended length drill.

Mon, May 8, 18:00
Live Burn Mandatory Option 3

Each firefighter is required to attend a live burn session annually. This year the live burn training was held at the East Metro Public Safety Training Facility in Oakdale. Scenarios are set up where crews do fire attacks, search, pumping and command and control all with live fire conditions. This drill is an extended length drill.

Tues, May 12, 18:30
Ropes & Knots Elective Option 1

This drill was a refresher on tying and releasing standard knots used in the fire service. In addition to going over the knots, stations were set up for hands-on usage of the knots in lifting and lowering misc. on scene equipment and/or rescue litters occurs.

Thurs, May 15, 07:00
Ropes & Knots Elective Option 2

This drill was a refresher on tying and releasing standard knots used in the fire service. In addition to going over the knots, stations were set up for hands on usage of the knots in lifting and lowering misc. on scene equipment and/or rescue litters occurs.

MENDOTA HEIGHTS FIRE DEPARTMENT

MAY 2025 MONTHLY REPORT

Number of Calls 24 Total Calls for Year: 139

FIRE ALARMS DISPATCHED:	NUMBER
ACTUAL FIRES	
Structure - MH Commercial	
Structure - MH Residential	
Structure - Contract Areas	
Cooking Fire - confined	
Vehicle - MH	1
Vehicle - Contract Areas	1
Grass/Brush/No Value MH	1
Grass/Brush/No Value Contract	
Other Fire	
OVERPRESSURE RUPTURE	
Excessive heat, scorch burns	
MEDICAL	
Emergency Medical/Assist	2
Vehicle accident w/ no injuries	2
Extrication	
Medical, other	
HAZARDOUS SITUATION	
Spills/Leaks	1
Carbon Monoxide Incident	
Power line down	1
Arcing, shorting	
Hazardous, Other	
SERVICE CALL	
Smoke or odor removal	
Assist Police or other agency	
Service Call, other	1
GOOD INTENT	
Good Intent	1
Dispatched & Cancelled	4
Smoke Scare	1
HazMat release investigation	1
Good Intent, Other	
FALSE ALARMS	
False Alarm	
Malfunction	3
Unintentional	2
False Alarm, other	
MUTUAL AID	2
Total Calls	**24**

STRUCTURE	CONTENTS	MISC.	TOTALS TO DATE
			$0
			$70,000
			$0
			$0
			$0
$55,000	$20,000		$75,000

TOTAL MONTHLY FIRE LOSSES

	$0	$0

FIRE LOSS TOTALS

ALL FIRES, ALL AREAS (MONTH) $0

Mendota Heights Only Structure/Contents	$0
Mendota Heights Only Miscellaneous	
Mendota Heights Total Loss to Date	$70,000
Contract Areas Loss to Date	$75,000

LOCATION OF FIRE ALARMS

	Current	To Date	Last Year
Mendota Heights	20	114	104
Lilydale	1	11	11
Mendota	0	0	4
Sunfish Lake	1	5	7
Mutual Aid	2	9	18
Total:	24	**139**	**144**

WORK PERFORMED	Hours	To Date	Last Year
Fire Calls	290	1649	1838.5
Meetings	48	236.6	459.75
Training	354	1721.5	1909.5
Special Activity	51	152.3	199
Fire Marshal	0	0	0
TOTALS	743	3759.4	4406.75

FIRE MARSHAL'S TIME FOR MONTH

Inspections	
Investigations	
Re-Inspection	
Meetings	
Administration	
Plan Review/Training	
TOTAL:	0

CITY OF
MENDOTA HEIGHTS

June 2025 Fire Synopsis

Fire Calls: 35

For June 2025, the Mendota Heights Fire Department paged for service a total of 35 times.

Mendota Heights	25 calls
Lilydale	2 calls
Mendota	5 calls
Sunfish Lake	1 call
Other	2 calls
Total	35 calls

Types of calls:

Fires: 1- The fire department responded to and extinguished a vehicle on southbound 35E in June.

Medical/Extrication: 6- There were six calls for service under the category medical/ extrication. This included three medicals, a search for a person in the water, and two calls for vehicle accidents (one needing extrication, the other did not).

Hazardous Situations: 4- June found the department going to two arcing powerlines calls, one powerline down call, and a carbon monoxide call.

False Alarms/System Malfunctions: 10- In June the department went to five calls due to system malfunctions, four unintentional trips, and one "other" fire alarm.

Service Calls: 2- MHFD Fire (officer-only page out) provided the Mendota Heights Police Department with access to a commercial building where they were searching for a suspect that had been involved in a chase. Fire was also paged to assist medics in providing access to an apartment building to help a caller.

Good Intent: 3- Under good intent, there were two calls to investigate the smell of gas in homes where no problems were found. In addition, the department responded to a vehicle fire that State Patrol cancelled.

Dispatched and Cancelled En route: 7- There were seven calls in June that were cancelled before our arrival.

Mutual/Auto-Aid Other: 2- MHFD was requested for mutual/ auto aid in Eagan and in Inver Grove Heights in June.

CITY OF
MENDOTA HEIGHTS

June Trainings

Wed, June 9, 18:30
Mandatory Relay & Tender Operations Option 1

This drill was held in Mendota, an area with limited fire hydrant access and extended distances. The drill consisted of using a drop tank (a large portable pool to hold water in for the pumpers to draft water from) while the "Tenders" aka "Tanker" trucks go to a hydrant to bring more water to the scene. In addition to setting up the drafting operation, the "fire attack" pumper was set up at a level significantly higher than where the water tank was causing the truck that was drafting the water to then pump the water uphill to the "fire attack" pumper. The drill required crews establish a master stream deck gun operation.

Mon, June 12, 07:00
Mandatory Relay & Tender Operations Option 2

This drill was held in Mendota, an area with limited fire hydrant access and extended distances. The drill consisted of using a drop tank (a large portable pool to hold water in for the pumpers to draft water from) while the "Tenders" aka "Tanker" trucks go to a hydrant to bring more water to the scene. In addition to setting up the drafting operation, the "fire attack" pumper was set up at a level significantly higher than where the water tank was causing the truck that was drafting the water to then pump the water uphill to the "fire attack" pumper. The drill required crews establish a master stream deck gun operation.

Tues, June 18, 18:30
Elective Boat Operations Option 1

This design of this drill is for firefighters to go over standard boat operating procedures typically while deployed in the river or other suitable waterways. Proper PPE, along with rescue methods that minimize rescuer safety as the situation dictates.

Thurs, June 24, 07:00
Elective Boat Operations Option 2

This design of this drill is for firefighters to go over standard boat operating procedures typically while deployed in the river or other suitable waterways. Proper PPE, along with rescue methods that minimize rescuer safety as the situation dictates.

Tues, June 25, 18:30
Mandatory Relay & Tender Operations Option 3

This drill was held in Mendota, an area with limited fire hydrant access and extended distances. The drill consisted of using a drop tank (a large portable pool to hold water in for the pumpers to draft water from) while the "Tenders" aka "Tanker" trucks go to a hydrant to bring more water to the scene. In addition to setting up the drafting operation, the "fire attack" pumper was set up at a level significantly higher than where the water tank was causing the truck that was drafting the water to then pump the water uphill to the "fire attack" pumper. The drill required crews establish a master stream deck gun operation.

MENDOTA HEIGHTS FIRE DEPARTMENT

JUNE 2025 MONTHLY REPORT

Number of Calls 35 Total Calls for the Year 174

FIRE ALARMS DISPATCHED:	NUMBER	STRUCTURE	CONTENTS	MISC.	TOTALS TO DATE
ACTUAL FIRES					
Structure - MH Commercial					$0
Structure - MH Residential					$70,000
Structure - Contract Areas					$0
Cooking Fire - confined					$0
Vehicle - MH	1		$5,000		$5,000
Vehicle - Contract Areas					$75,000
Grass/Brush/No Value MH					
Grass/Brush/No Value Contract		**TOTAL MONTHLY FIRE LOSSES**			
Other Fire					
OVERPRESSURE RUPTURE		$0	$5,000	$0	
Excessive heat, scorch burns					
MEDICAL		**FIRE LOSS TOTALS**			
Emergency Medical/Assist	2				
Vehicle accident w/injuries	2				
Extrication	1	ALL FIRES, ALL AREAS (MONTH)		$5,000	
Medical, other	1				
HAZARDOUS SITUATION		Mendota Heights Only Structure/Contents			$0
Spills/Leaks					
Carbon Monoxide Incident	1	Mendota Heights Only Miscellaneous			$0
Power line down					
Arcing, shorting	3	Mendota Heights Total Loss to Date			$70,000
Hazardous, Other					
SERVICE CALL					
Smoke or odor removal		Contract Areas Loss to Date			$75,000
Assist Police or other agency	2				
Service Call, other					
GOOD INTENT		**LOCATION OF FIRE ALARMS**			
Good Intent	1				
Dispatched & Cancelled	7		**Current**	**To Date**	**Last Year**
Smoke Scare		Mendota Heights	25	139	127
HazMat release investigation	2	Lilydale	2	13	12
Good Intent, Other		Mendota	5	5	7
FALSE ALARMS		Sunfish Lake	1	6	8
False Alarm		Mutual Aid	2	11	19
Malfunction	5				
Unintentional	4	**Total:**	**35**	**174**	**173**
False Alarm, other	1				
MUTUAL AID	2				
Total Calls	**35**				

WORK PERFORMED	Hours	To Date	Last Year
Fire Calls	459	2108	2189
Meetings	18	254.6	471.25
Training	207	1928.5	2419
Special Activity	23	175.3	200.5
Fire Marshal	0	0	0
TOTALS	707	4466.4	5279.75

FIRE MARSHAL'S TIME FOR MONTH	
Inspections	
Investigations	
Re-Inspection	
Meetings	
Administration	
Plan Review/Training	
TOTAL:	0

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Award Contract for Lift Station Panel Replacement

ITEM TYPE: Consent Item

DEPARTMENT: Public Works

CONTACT: John Boland, Public Works Superintendent

ACTION REQUEST:

Award a contract to Total Control Systems Inc. in the amount of $31,090 for a replacement control panel and SCADA system, and award a contract to Total Construction for $13,710 for the electrical work and installation of this equipment at the Centre Pointe Lift Station.

BACKGROUND:

The City has six sewage lift stations. The Centre Pointe Lift Station was installed in the 1980s and is in need of replacement. This project includes a new cabinet and all components, including SCADA monitoring of the station. This will be our fourth lift station with SCADA capabilities.

FISCAL AND RESOURCE IMPACT:

In the 2025 Sanitary Sewer Budget there is $50,000 set aside for this project. The total cost of this project is $44,800.

ATTACHMENTS:

None

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Adopt Resolution 2025-50 Accepting Donations Made to the Mendota Heights Police Department

ITEM TYPE: Resolution

DEPARTMENT: Police

CONTACT: Wayne Wegener, Police Captain
Kelly McCarthy, Police Chief

ACTION REQUEST:
Accept a donation of $40.00 from a citizen to go toward the police department's gun safe program and $100 to the general fund.

BACKGROUND:
Minnesota State Statute 465.03 “Gifts to municipalities” requires all donations be acknowledged by Resolution. This memo meets Minnesota State Statutory requirements by having the City Council formally accept the gift and recognizing the donor.

A citizen known to the police department learned about the agency's gun safe program and donated $40.00 to support it.

In July, Officer Steve Hilyar helped a motorist who was separated from her family and means of assistance. The motorist sent a "Thank You" card that contained $200 cash to reimburse Officer Hilyar (Attached). Officer Hilyar stated that this amount was in excess of what he provided. He was issued $100 reimbursement, and we are requesting the remaining $100 be deposited to the general fund earmarked for dinner at a future department dinner.

FISCAL AND RESOURCE IMPACT:
A $140 deposit to the general fund.

ATTACHMENTS:
1. Thank you card
2. Res. 2025-50 Formally Accepting Donations to the Mendota Heights Police Departmment

CITY COUNCIL PRIORITY:
Premier Public Services & Infrastructure

Dear Officer Wilyar,

There are no words to say how much we appreciate your assistance in helping Bill & I reunite on the road. He was alerted by another driver that one of our bay doors was not shut tight and he pulled off the road & stopped to shut it. I had lost sight of him, slowed down but did not see him anywhere behind me. Eventually, I was able to turn around & go back to the area but he had moved on. When I realized I had left my purse with phone in the RV I knew I had a real problem. Which way had he gone? I pulled into the first gas station and at my request they contacted the local police and Officer Wilyar arrived so patient and kind. And you & I know the rest of the story! I can't thank you and your fellow officers enough.

I arrived in Fairmont at the Wal Mart about 10 min. before Bill. We were greatly relieved to see each other. I've enclosed some money including the amount you so generously lent to me.

Thank you, thank you and your fellow officers so much!

Sincerely,
Bill & Pat Hayter
1213 Woodlow St.
Waterford, MI.
48328

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-50

FORMALLY ACCEPTING DONATIONS TO THE MENDOTA HEIGHT POLICE DEPARTMENT

WHEREAS, the City of Mendota Heights desires to follow Minnesota Statute 465.03 "Gifts to Municipalities"; and

WHEREAS, the Minnesota Statute requires a resolution to accept gifts to municipalities; and

WHEREAS, the City has previously acknowledged gifts with a resolution; and

WHEREAS, the City Council of the City of Mendota Heights has duly considered this matter and wishes to acknowledge the civic mindedness of citizens and officially recognize their donations.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the City Council of the City of Mendota Heights formally accept $40.00 from a citizen and $100.00 from a motorist who was separated from her family.

Adopted by the City Council of the City of Mendota Heights on this 6th day of August 2025.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Adopt Resolution 2025-46 Accepting Work and Final Payment for Bridgeview Shores Street Improvements Project 202406

ITEM TYPE: Consent Item

DEPARTMENT: Engineering

CONTACT: Ryan Ruzek, Public Works Director
Lucas Ritchie, Assistant City Engineer

ACTION REQUEST:
The Council is asked to approve Resolution No. 2025-46, to accept the work and approve the final payment for the Bridgeview Shores Street Improvements.

BACKGROUND:
The City Council awarded the contract to Bituminous Roadways at their May 7, 2024, City Council meeting for the low bid of $1,735,766.19. The contract work for the project has been completed, inspected, and approved. The project is ready for final payment. This will start the one-year guarantee period. All required paperwork needed before the final payment can be issued has been submitted.

Staff recommends that the Mendota Heights City Council approve the attached Resolution No. 2025-46 "RESOLUTION ACCEPTING WORK AND APPROVING FINAL PAYMENT FOR THE BRIDGEVIEW SHORES STREET IMPROVEMENTS, PROJECT 202406".

FISCAL AND RESOURCE IMPACT:
The project costs were funded by Special Assessments, Municipal Bonds, Saint Paul Regional Water Services Funds, and Utility Funds. The final payment for this contract is $14,998.49 including retainage. The total costs for the project were $1,499,848.77.

ATTACHMENTS:
1. Resolution 2025-46 Accepting Work and Final Payment for Bridgeview Shores Project

CITY COUNCIL PRIORITY:
Premier Public Services & Infrastructure

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-46
RESOLUTION ACCEPTING WORK AND APPROVING FINAL PAYMENT FOR THE BRIDGEVIEW SHORES STREET IMPROVEMENTS, PROJECT 202406

WHEREAS, pursuant to a written contract with the City of Mendota Heights on May 8, 2024, with Bituminous Roadways, Inc. of Mendota Heights, MN, has satisfactorily completed the improvements for the Bridgeview Shores Street Improvements Project #202406, in accordance with such contract; and

WHEREAS, by the Mendota Heights City Council that the work completed under said contract is hereby accepted and approved; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are hereby directed to issue a proper order for the final payment on such contract in the amount of $14,998.49, taking the contractor's receipt in full.

Adopted by the Mendota Heights City Council this sixth day of August, 2025.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Adopt Resolution 2025-47 Approving an Administrative MRCCA Permit for 1128 Kingsley Circle North (Planning Case No. 2025-14)

ITEM TYPE: Consent Item

DEPARTMENT: Community Development **CONTACT:** Sarah Madden, Community Development Manager

ACTION REQUEST:

Adopt Resolution 2025-47, Approving an Administrative MRCCA Permit for 1128 Kingsley Circle North

BACKGROUND:

The applicant, Ohana Construction Inc, has been contracted by the property owner to complete a remodel project of the subject property, which includes the removal of an existing deck and the installation of a new patio area adjacent to the home at 1128 Kingsley Circle North. The patio improvements are an expansion of impervious surface, and the removal of the deck requires a building permit which necessitates the City process a site plan review consistent with the Mississippi River Corridor Critical Area Ordinance.

The subject property is located in the R-2 Medium Density Residential Zoning district; and is situated within the Mississippi River Corridor Critical Area overlay district. According to the city's MRCCA mapping of this area, the subject property is located in the SR-Separated by River District. The MRCCA Map of the subject property shows a demarcated bluff line approximately 430-ft. (at its closest point) from the northwest of the site. No part of this proposed patio will impact or affect any nearby bluff lines, steep slopes, or bluff impact zones (BIZ).

The MRCCA Mapping system also identifies any Primary Conservation Areas (PCA), which include protected areas such as established Significant Existing Vegetative Stands or Native Plant Communities on properties inside the MRCCA district. The location of this property and patio does not impact any part of nearby PCA's in this area.

Pursuant to City Code Section 12-6-12, no building permit, zoning approval, or subdivision approval shall be issued for any action or development located in an area covered by this chapter (Miss. River Corridor Critical Area) until a site plan has been prepared and approved in

accordance with the provisions of this chapter.

Subpart D. of this section also includes an allowance for "Minor Developments", which include minor improvements to a residential property that can be approved directly by the City Council, without Planning Commission review or recommendation, and without a public hearing, but only if the minor project and plans conform to the general standards of this section. Eligible projects for an Administrative MRCCA Permit include small building additions, decks, fences, walkways, stairs, open patios or outdoor sitting areas, etc.

All administratively approved projects must meet or comply with the following conditions (with *staff comments* noted afterwards):

1. No part of the subject property shall have slopes of greater than eighteen percent (18%).
   Staff Comment: The patio is being installed along the western portion of the townhome lot, with access to the principal structure. According to Dakota County GIS mapping, this lot is graded as a level area, with a slow slope entering the development via the shared drive aisle. There are no significant changes in elevation in the area the patio is to be installed. Staff confirms this standard is being met.

2. No part of the project shall impact, disturb or be situated in a bluff line setback area as defined by this chapter, whether on the same parcel or on an abutting parcel of land.
   Staff Comment: Although the subject property is situated in the MRCCA overlay district, there are no bluffs; bluff impact zones (BIZ's); or any Primary Conservation Areas (PCA) on this property. The addition of a new patio is minimal and minor enough to not pose any threat or negative impacts to the abutting or neighboring properties. Staff confirms this standard is being met.

3. The proposed project shall not expand the enclosed area of the principal or accessory structures by more than two hundred (200) square feet.
   Staff Comment: Not applicable; there is no addition onto a structure proposed under this permit. Staff confirms this standard is being met.

4. The proposed project shall not increase the height of any existing structure.
   Staff Comment: Not applicable; there is no modification to any structure under this permit. Staff confirms this standard will be met.

5. The proposed project shall be in compliance with all other requirements of this Chapter, and any other applicable regulations.
   Staff Comment: The proposed patio project and all related landscaping work in and around this project site shall be in compliance with all other requirements of this chapter, and any other applicable regulations, including the City's Land Disturbance Guidelines. Staff confirms this standard is or will be met.

6. The proposed project shall not result in significant changes to the existing finished

grade.
Staff Comment: The proposed patio will be installed consistently with the established level grade of the site. There are no plans by the contractor or homeowner to change these grades as part of this patio project. Staff confirms this standard is or will be met.

7. The proposed project areas shall include native vegetation.
Staff Comments: The applicant has submitted a site plan for the improvement area, indicating that native vegetation and additional landscaping will be installed following the completion of the patio project. This permit would allow the installation of a typical residential patio of reasonable scale to this development area, and there are no plans to remove any vegetation to complete the installation of the patio. Staff confirms this standard is being met.

RECOMMENDATION:
Based on staff's interpretation of the intent of the Minor Development provisions of Title 12-6-1, the scope of the project does not require Planning Commission recommendation and a public hearing; and therefore, may be given full consideration and approval by the City Council.

Since there are no impacts to the Mississippi River Corridor's bluff areas, bluff impact zone, or PCA's in this district, and no impacts to the surrounding properties, staff recommends the City Council approve this Administrative MRCCA Permit to Ohana Construction at 1128 Kingsley Circle North, with the findings-of-fact and conditions as noted in the attached Resolution 2025-47.

FISCAL AND RESOURCE IMPACT:
The applicant has submitted the required fees per the Mendota Heights adopted fee schedule.

ATTACHMENTS:
1. Resolution 2025-47
2. MRCCA Map
3. Letter of Intent
4. Proposed Patio Plan

CITY COUNCIL PRIORITY:
Economic Vitality & Community Vibrancy, Environmental Sustainability & Stewardship

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-47

RESOLUTION APPROVING AN ADMINISTRATIVE MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA) MINOR DEVELOPMENT PERMIT FOR PROPERTY LOCATED AT 1128 KINGSLEY CIRCLE NORTH [PLANNING CASE NO. 2025-14]

WHEREAS, Ohana Construction Inc. (as "Applicant") applied for an Administrative Mississippi River Corridor Critical Area (MRCCA) Minor Development Permit in order to demolish an existing deck structure and install a new patio, as proposed under Planning Case No. 2025-14, and for the property located at 1128 Kingsley Circle North, legally described in attached **Exhibit A** (the "Subject Property"); and

WHEREAS, the Subject Property is located within the Mississippi River Corridor Critical Area Overlay District of the City of Mendota Heights, and the proposed project qualifies as a Minor Development under Title 12-6-12, Subpart D of the City Code provisions for those properties situated in the recognized MRCCA District; and

WHEREAS, the proposed project is compliant with the required conditions for exemption from Planning Commission review and a public hearing, and can be considered and acted on directly by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mendota Heights City Council that the Administrative MRCCA Minor Development Permit for the property located at 1128 Kingsley Circle North, and proposed under Planning Case No. 2025-14, is hereby approved and supported by the following findings-of-fact:

1. The proposed patio project poses no threat to the general health, safety and welfare of the public, or creates any negative impacts upon the MRCCA area, adjacent bluffs, bluff impact zones (BIZ's), Primary Conservation Areas (PCA's) or surrounding properties.

2. The proposed patio will not impact or change any grades or drainage ways on the subject property.

3. The proposed patio project will be done in accordance with all requirements of the City's Land Disturbance Guidelines.

4. The proposed project meets the general purpose and intent of the Mississippi River Corridor Critical Area Overlay District and City Code

BE IT FURTHER RESOLVED, by the Mendota Heights City Council that the Administrative MRCCA Minor Development Permit as requested by Ohana Construction Inc. and for the property located at 1128 Kingsley Circle North is hereby approved, with the following conditions of approval:

1. A separate building permit must be approved by city staff prior to commencement of any work on the subject property.

2. If necessary, full erosion and sedimentation measures will be put into place prior to and during grading and construction work activities.

3. All disturbed areas impacted by new grading or construction work on the subject property shall be completely repaired and restored in a timely and expedited manner.

4. All construction activity will be in compliance with applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document.

5. All work on site will only be performed between the hours of 7:00 AM and 8:00 PM Monday through Friday; 9:00 AM to 5:00 PM weekends.

Adopted by the City Council of the City of Mendota Heights on this 6th day of August, 2025.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

Drafted by: City of Mendota Heights
1101 Victoria Curve
Mendota Heights, MN 55118

EXHIBIT A

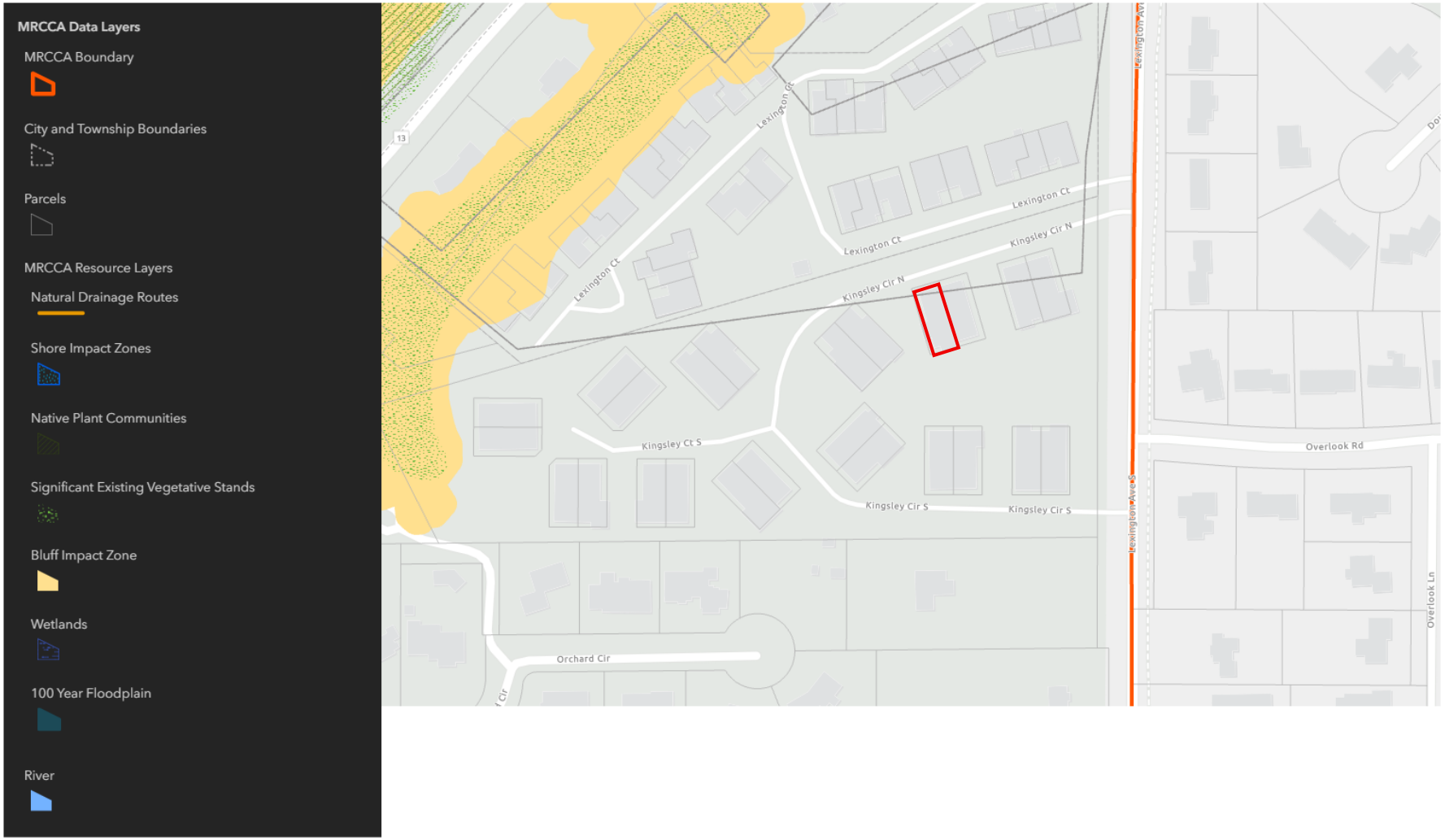
Address: 1128 KINGSLEY CIRCLE NORTH, Mendota Heights, Minnesota 55118

PID: 27-41900-01-100

Legal Description: LOT 10, BLOCK 1, KINGSLEY ESTATES, DAKOTA COUNTY, MINNESOTA

[Abstract Property]

Case No. 2025-14



Critical Area Permit

Property address: 1128 Kingsley Cir N, Mendota Heights, MN 55118

Property owners: Dan and Tina Allison

Contractor/Applicant: Ohana Construction Inc.

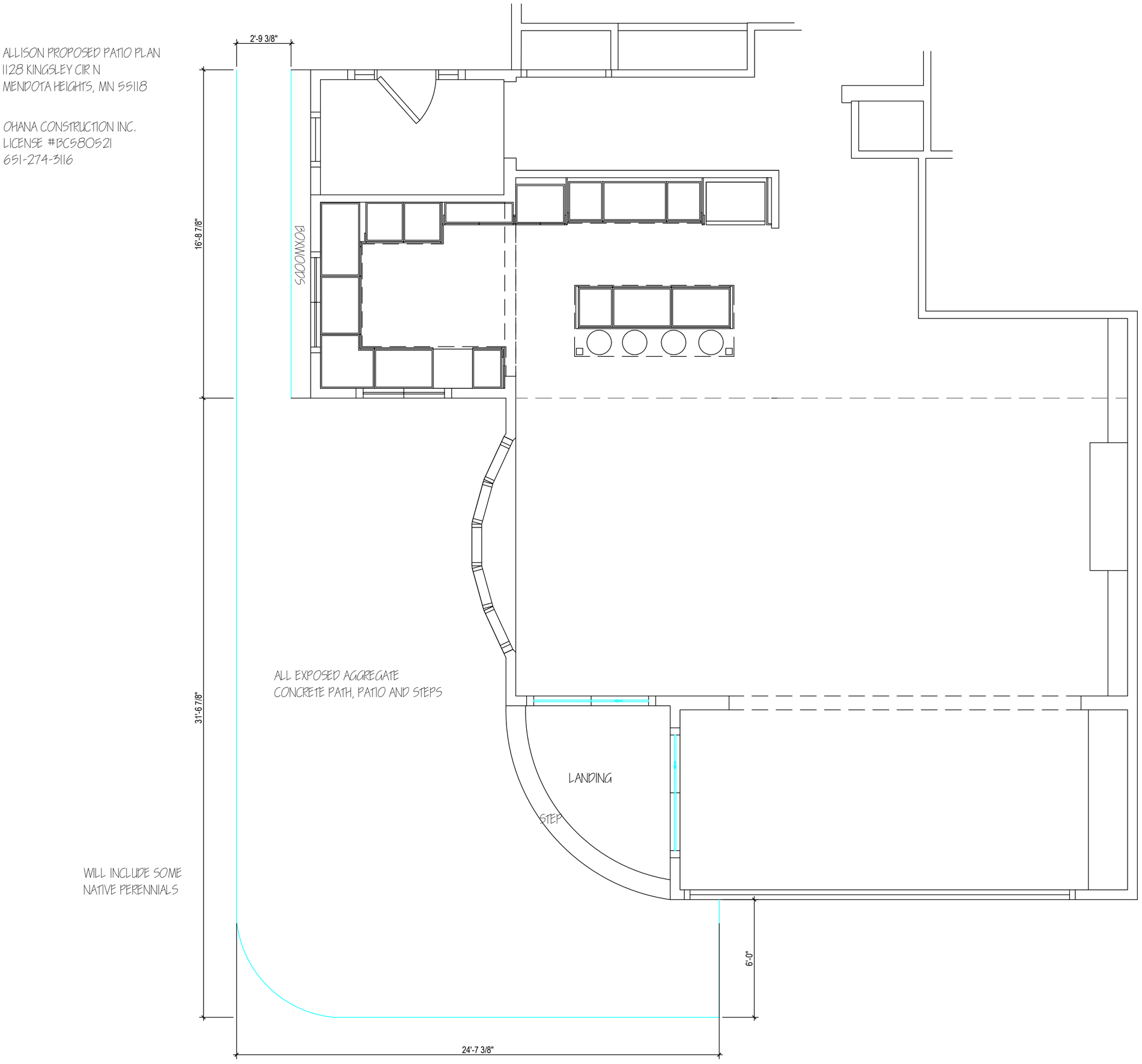
Ryan Sewell

License #BC580521

Our intention is to replace an existing deck with a patio. This will include some native perennials and there are no areas of historical significance.

ALLISON PROPOSED PATIO PLAN
1128 KINGSLEY CIR N
MENDOTA HEIGHTS, MN 55118

OHANA CONSTRUCTION INC.
LICENSE #BC580521
651-274-3116



OHANA CONSTRUCTION INC
651-274-3116 BC580521

THE ALLISON RESIDENCE
1128 KINGSLEY CIR N, MENDOTA HEIGHTS, MN 55118

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025
AGENDA ITEM: Claims List Summary
ITEM TYPE: Consent Agenda
FROM: Kristen Schabacker, Finance Director

BACKGROUND

Significant Claims

1420 Perron Road East Owners LLC – TIF Payments	$	33,124.45
Inspectron – June Building Inspection Services	$	30,691.24
Met Council Environmental Services – SAC & August Sewer	$	139,972.79
Tenvoorde Ford – 3 Police Squads	$	149,105.82
The Heights of Mendota – TIF Payments	$	108,399.91
BerganKDV – Audit Billing	$	8,920.00
Bituminous Roadways – Bridgeview Shores Street Project	$	14,998.49
C & H Sport Surfaces – Friendly Hills Tennis Court Resurfacing	$	16,995.00
Kimley Horn & Associates – Friendly Hills Street Project	$	38,082.56
Kirchner Contracting – Ivy Falls Basketball/Storm Sewer Repair	$	9,450.00
Lake Improvement Consulting – Rogers Lake Treatment	$	4,995.00
LOGIS – IT Services/Support	$	39,740.39
Mansfield Oil – Fuel	$	8,038.57
Nystrom Publishing – Newsletter/Fire Annual Report/Heights Fest Postcard	$	9,152.40
Ryan Contracting – Emerson Street Project	$	81,987.41
Sir Lines-A-Lot – Street Striping	$	12,516.10
Stonebrooke Engineering – ADA Transition Plan	$	7,567.21
Tree Trust – Tree Canopy Program	$	7,585.00
WSB & Associates – Stormwater Assessment/Oheyawahe	$	58,358.25
Manual Checks Total	$	613,187.58
System Checks Total	$	451,051.61

Total of the list of claims for August 6, 2025 City Council meeting **$1,064,239.19**

RECOMMENDATION

Staff recommends the Mendota Heights City Council approve the list of claims for August 6, 2025.

CITY OF MENDOTA HEIGHTS

Claims List

MANUAL CHECKS

06/30/25 MAN

Account	Comments	DEPT Descr	Amount
MENDOTA HEIGHTS, CITY OF			
G 45-1155	CREDIT CARD TRF		$64,000.00
G 15-1155	CREDIT CARD TRF		$36,000.00
G 01-1155	CREDIT CARD TRF		$45,000.00
MENDOTA HEIGHTS, CITY OF			$145,000.00
			$145,000.00

CITY OF MENDOTA HEIGHTS

Claims List

MANUAL CHECKS

07/30/25 MAN

Account	Comments	DEPT Descr	Amount
1420 PERRON ROAD EAST OWNERS LLC			
E 39-4490-000-00	PAY AS YOU GO NOTE	Spec Fds	$33,124.45
1420 PERRON ROAD EAST OWNERS LLC			$33,124.45
B C A - BTS			
E 01-4490-030-30	BACKGROUND CHECKS - FIRE	Fire	$75.00
B C A - BTS			$75.00
INSPECTRON INC			
E 01-4231-040-40	JUNE BUILDING INSPECTION S	Code Enforcement/Inspe	$30,691.24
INSPECTRON INC			$30,691.24
METRO COUNCIL ENVIRONMENT SVC			
R 15-3615	JUNE SAC		-$198.80
R 15-3320	JUNE SAC		$19,880.00
E 15-4449-060-60	AUGUST SEWER SERVICE	Utility Enterprise	$120,291.59
METRO COUNCIL ENVIRONMENT SVC			$139,972.79
MISSION SQUARE (ICMA RETIREMENT)			
G 01-2073	7/18/25 PAYROLL		$150.00
G 01-2072	7/18/25 PAYROLL		$4,150.00
MISSION SQUARE (ICMA RETIREMENT)			$4,300.00
SAM S CLUB			
E 01-4435-200-70	MEMBERSHIP RENEWAL	Parks & Recreation	$110.00
E 01-4435-200-70	SUPPLIES - REC	Parks & Recreation	$47.74
SAM S CLUB			$157.74
SPRWS			
E 15-4425-310-60	JUNE 2025 SERVICE - 2431 LE	Utility Enterprise	$25.84
E 01-4425-310-50	JUNE 2025 SERVICE - 2431 LE	Road & Bridges	$25.85
E 01-4425-310-70	JUNE 2025 SERVICE - 2431 LE	Parks & Recreation	$25.85
E 01-4425-070-70	JUNE 2025 SERVICE - 2627 CO	Parks & Recreation	$604.77
E 01-4425-070-70	JUNE 2025 SERVICE - 2171 DO	Parks & Recreation	$204.29
E 01-4425-315-30	JUNE 2025 SERVICE - 2121 DO	Fire	$102.55
E 08-4425-000-00	JUNE 2025 SERVICE - 1101 VIC	Spec Fds	$127.58
SPRWS			$1,116.73
TENVOORDE FORD			
E 04-4610-020-20	2025 POLICE INTERCEPTOR	Police	$49,701.94
E 04-4610-020-20	2025 POLICE INTERCEPTOR	Police	$49,701.94
E 04-4610-020-20	2025 POLICE INTERCEPTOR	Police	$49,701.94
TENVOORDE FORD			$149,105.82
THE HEIGHTS OF MENDOTA			
E 36-4490-000-00	PAY AS YOU GO - NORTH	Spec Fds	$49,938.86
E 36-4490-000-00	PAY AS YOU GO - SOUTH	Spec Fds	$58,461.05
THE HEIGHTS OF MENDOTA			$108,399.91
US POSTAL SERVICE			
G 01-1210	REPLENISH POSTAGE METER		$1,200.00
US POSTAL SERVICE			$1,200.00
XCEL ENERGY			
E 01-4211-320-70	UTILITIES	Parks & Recreation	$12.12

CITY OF MENDOTA HEIGHTS

Claims List

MANUAL CHECKS

07/30/25 MAN

Account	Comments	DEPT Descr	Amount
E 01-4211-320-70	UTILITIES	Parks & Recreation	$31.78
XCEL ENERGY			$43.90
			$468,187.58

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
ADVANCED SPORTSWEAR			
E 01-4435-200-70	SAFETY CAMP SHIRTS - REC	Parks & Recreation	$734.00
ADVANCED SPORTSWEAR			$734.00
ALLSTREAM			
E 01-4210-020-20	7/15/25-8/14/25 TELEPHONE S	Police	$678.20
ALLSTREAM			$678.20
AMERICAN FLAGPOLE & FLAG CO.			
E 01-4305-030-30	FLAGS - FIRE	Fire	$298.00
AMERICAN FLAGPOLE & FLAG CO.			$298.00
ASCENTEK, INC. (LUBE-TECH)			
G 01-1210	OIL		-$932.62
G 01-1210	OIL		$934.18
E 01-4305-070-70	OPERATING SUPPLIES - PW	Parks & Recreation	$85.06
E 01-4305-050-50	OPERATING SUPPLIES - PW	Road & Bridges	$85.06
E 15-4305-060-60	OPERATING SUPPLIES - PW	Utility Enterprise	$85.05
G 01-1210	OIL		$932.62
G 01-1210	OIL		$934.18
ASCENTEK, INC. (LUBE-TECH)			$2,123.53
ASPEN MILLS			
E 01-4330-440-20	EQUIP REPAIR - PD	Police	$511.15
E 01-4410-030-30	UNIFORM - FIRE	Fire	$200.70
ASPEN MILLS			$711.85
AUTOZONE			
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$91.08
AUTOZONE			$91.08
B & D COMPOSTING INC			
E 01-4422-050-50	COMPOST - STREET	Road & Bridges	$600.00
B & D COMPOSTING INC			$600.00
B S N SPORTS			
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$4,129.52
B S N SPORTS			$4,129.52
BACHMAN S			
E 57-4460-805-00	RAINGARDENS - EMERSON AVE	Spec Fds	$662.15
E 57-4460-806-00	RAINGARDENS - BRIDGEVIEW	Spec Fds	$662.15
BACHMAN S			$1,324.30
BAYCOM INC			
E 01-4305-024-20	OPERATING SUPPLIES - PD	Police	$2,989.00
BAYCOM INC			$2,989.00
BERGAN K D V			
E 01-4220-130-15	2024 AUDIT BILLING	Engineering Enterprise	$802.23
E 10-4220-130-00	2024 AUDIT BILLING	Spec Fds	$286.51
E 15-4220-130-60	2024 AUDIT BILLING	Utility Enterprise	$764.03
E 29-4220-130-00	2024 AUDIT BILLING	Spec Fds	$286.51
E 45-4220-130-45	2024 AUDIT BILLING	Golf Course	$668.52
E 01-4220-130-10	2024 AUDIT BILLING	Administration	$6,112.20

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
BERGAN K D V			$8,920.00
BITUMINOUS ROADWAYS			
E 57-4460-806-00	BRIDGEVIEW SHORES ST IMPR	Spec Fds	$14,998.49
BITUMINOUS ROADWAYS			$14,998.49
BLUELINE INDUSTRIES, LLC			
E 01-4330-440-20	EQUIP REPAIR - PD	Police	$1,147.14
BLUELINE INDUSTRIES, LLC			$1,147.14
BRAUN INTERTEC			
E 57-4220-805-00	EMERSON AVE ST IMPROVEME	Spec Fds	$1,000.00
BRAUN INTERTEC			$1,000.00
BREDEMUS HARDWARE COMPANY, INC			
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$990.00
BREDEMUS HARDWARE COMPANY, INC			$990.00
C & H SPORT SURFACES, INC.			
E 01-4330-215-70	TENNIS COURT RESURFACING	Parks & Recreation	$16,995.00
C & H SPORT SURFACES, INC.			$16,995.00
CENTRAL IRRIGATION SUPPLY			
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$49.28
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$30.72
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$270.35
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$441.71
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$195.34
E 29-4330-000-00	EQUIP REPAIR - STORM WATE	Spec Fds	$138.56
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$1,454.25
CENTRAL IRRIGATION SUPPLY			$2,580.21
CONCENTRA OCCUPATIONAL HEALTH			
E 01-4306-070-70	EXAM - PARKS	Parks & Recreation	$241.00
CONCENTRA OCCUPATIONAL HEALTH			$241.00
DAKOTA 911 (DAKOTA COMMUNICATIONS)			
E 01-4275-020-20	AUGUST 2025 DISPATCH	Police	$23,135.31
E 01-4275-030-30	AUGUST 2025 DISPATCH	Fire	$705.69
DAKOTA 911 (DAKOTA COMMUNICATIONS)			$23,841.00
DAKOTA COUNTY FINANCIAL SERVIC			
E 01-4275-030-30	JUNE 2025 RADIO SUBSCRIBE	Fire	$839.88
E 01-4275-020-20	JUNE 2025 RADIO SUBSCRIBE	Police	$933.20
E 15-4200-610-60	JUNE 2025 RADIO SUBSCRIBE	Utility Enterprise	$23.33
E 01-4200-610-70	JUNE 2025 RADIO SUBSCRIBE	Parks & Recreation	$139.98
E 01-4200-610-15	JUNE 2025 RADIO SUBSCRIBE	Engineering Enterprise	$69.99
E 01-4211-420-50	2ND QTR 2025 UTILITIES	Road & Bridges	$763.01
E 01-4200-610-50	JUNE 2025 RADIO SUBSCRIBE	Road & Bridges	$186.64
DAKOTA COUNTY FINANCIAL SERVIC			$2,956.03
DAKOTA COUNTY TECHNICAL COLLEG			
E 01-4400-020-20	TRAINING - PD	Police	$2,100.00
E 01-4400-020-20	TRAINING - PD	Police	$700.00
DAKOTA COUNTY TECHNICAL COLLEG			$2,800.00

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
DAKOTA COUNTY TREAS-AUDITOR			
E 29-4404-000-00	2025 WHEP - STORM WATER U	Spec Fds	$3,300.00
DAKOTA COUNTY TREAS-AUDITOR			$3,300.00
DELTA DENTAL			
E 01-4131-020-20	AUG DENTAL PREMIUM	Police	$1,757.83
E 08-4131-000-00	AUG DENTAL PREMIUM	Spec Fds	$52.06
E 15-4131-060-60	AUG DENTAL PREMIUM	Utility Enterprise	$254.70
G 01-2071	AUG DENTAL PREMIUM		$555.84
G 01-2074	AUG DENTAL PREMIUM		$988.14
E 01-4131-020-20	AUG DENTAL PREMIUM	Police	$156.18
E 01-4131-070-70	AUG DENTAL PREMIUM	Parks & Recreation	$312.36
E 01-4131-105-15	AUG DENTAL PREMIUM	Engineering Enterprise	$405.26
E 01-4131-030-30	AUG DENTAL PREMIUM	Fire	$52.06
E 01-4131-110-10	AUG DENTAL PREMIUM	Administration	$659.95
E 01-4131-050-50	AUG DENTAL PREMIUM	Road & Bridges	$457.33
DELTA DENTAL			$5,651.71
EARL F. ANDERSEN, INC			
E 01-4420-050-50	SIGNS - STREET	Road & Bridges	$434.40
EARL F. ANDERSEN, INC			$434.40
ESS BROTHERS & SONS INC			
E 01-4305-050-50	OPERATING SUPPLIES - PW	Road & Bridges	$31.33
E 15-4305-060-60	OPERATING SUPPLIES - PW	Utility Enterprise	$31.34
E 29-4330-000-00	EQUIP REPAIR - STORM WATE	Spec Fds	$623.00
E 01-4305-070-70	OPERATING SUPPLIES - PW	Parks & Recreation	$31.33
ESS BROTHERS & SONS INC			$717.00
EXCEL TURF & ORNAMENTAL			
E 45-4334-045-45	COURSE MAINTENANCE CHEMI	Golf Course	$2,121.47
EXCEL TURF & ORNAMENTAL			$2,121.47
EYE MED			
E 15-4131-060-60	AUG 2025 PREMIUM	Utility Enterprise	$15.09
G 01-2071	AUG 2025 PREMIUM		$20.22
E 08-4131-000-00	AUG 2025 PREMIUM	Spec Fds	$5.13
E 01-4131-105-15	AUG 2025 PREMIUM	Engineering Enterprise	$20.22
E 01-4131-070-70	AUG 2025 PREMIUM	Parks & Recreation	$10.26
E 01-4131-050-50	AUG 2025 PREMIUM	Road & Bridges	$29.97
E 01-4131-020-20	AUG 2025 PREMIUM	Police	$111.26
E 01-4131-110-10	AUG 2025 PREMIUM	Administration	$65.79
G 01-2074	AUG 2025 PREMIUM		$10.27
EYE MED			$288.21
FIRE EQUIPMENT SPECIALTIES			
E 01-4305-030-30	OPERATING SUPPLIES - FIRE	Fire	$265.29
FIRE EQUIPMENT SPECIALTIES			$265.29
FIRST NET / AT&T MOBILITY			
E 15-4210-060-60	CELL SERVICE - UTILITY	Utility Enterprise	$83.63
E 01-4210-020-20	CELL SERVICE - PD	Police	$1,060.64
E 01-4210-070-70	CELL SERVICE - PARKS	Parks & Recreation	$90.84
E 01-4490-109-09	CELL SERVICE - CITY COUNCIL	City Council	$45.40

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
E 01-4210-105-15	CELL SERVICE - ENGINEERING	Engineering Enterprise	$90.80
E 01-4490-075-75	CELL SERVICE - NATURAL RES	Natural Resources	$38.23
E 01-4210-050-50	CELL SERVICE - STREET	Road & Bridges	$136.20
E 01-4210-070-70	CELL SERVICE - REC	Parks & Recreation	$179.52
E 01-4210-110-10	CELL SERVICE - ADMIN	Administration	$38.23
E 01-4210-070-70	CELL SERVICE - PARKS	Parks & Recreation	$38.23
E 45-4210-045-45	CELL SERVICE - PAR 3	Golf Course	$38.23
E 01-4490-640-12	CELL SERVICE - ELECTIONS	Elections	$76.46
E 01-4210-030-30	CELL SERVICE - FIRE	Fire	$160.09
E 01-4490-080-80	CELL SERVICE - PLANNING	Planning	$45.40
E 01-4210-020-20	CELL SERVICE - PD	Police	$649.91
E 01-4210-030-30	CELL SERVICE - FIRE	Fire	$83.63
FIRST NET / AT&T MOBILITY			$2,855.44
FIRST SUPPLY LLC			
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$247.01
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$143.22
FIRST SUPPLY LLC			$390.23
FLEET SERVICES			
E 01-4200-610-20	JUNE 2025 SQUAD LEASES - P	Police	$7,678.94
FLEET SERVICES			$7,678.94
FLEETPRIDE			
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$48.78
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$74.58
E 15-4335-310-60	BLDG MAINT - PW	Utility Enterprise	$1.26
E 15-4330-490-60	EQUIP REPAIR - UTILITY	Utility Enterprise	$7.52
E 01-4335-310-50	BLDG MAINT - PW	Road & Bridges	$1.25
E 01-4335-310-70	BLDG MAINT - PW	Parks & Recreation	$1.25
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$48.04
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$113.99
E 01-4330-440-20	EQUIP REPAIR - PD	Police	$92.76
E 01-4330-490-30	EQUIP REPAIR - FIRE	Fire	$77.00
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$24.68
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$50.36
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$286.96
FLEETPRIDE			$828.43
FOREUP GOLF SOFTWARE			
E 45-4305-045-45	7/28/25-8/27/25 TEE TIME SO	Golf Course	$320.00
FOREUP GOLF SOFTWARE			$320.00
FORMS & SYSTEMS OF MN			
E 01-4300-020-20	OPERATING SUPPLIES - PD	Police	$207.40
FORMS & SYSTEMS OF MN			$207.40
GAME TRUCK TWIN CITIES LLC			
E 01-4435-200-70	8/25/25 PICNIC W/PUBLIC SAF	Parks & Recreation	$590.00
GAME TRUCK TWIN CITIES LLC			$590.00
GERLACH OUTDOOR			
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$192.00
GERLACH OUTDOOR			$192.00

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
GERTENS GREENHOUSE			
E 01-4333-075-75	TREES - NATURAL RESOURCES	Natural Resources	$720.00
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$140.45
E 01-4422-050-50	STREET MATERIALS	Road & Bridges	$227.70
GERTENS GREENHOUSE			$1,088.15
GRAINGER			
E 08-4335-000-00	BLDG MAINT - CITY HALL	Spec Fds	$112.80
E 08-4335-000-00	BLDG MAINT - CITY HALL	Spec Fds	$5.93
E 01-4300-070-70	OFFICE SUPPLIES - PW	Parks & Recreation	$12.47
E 15-4300-060-60	OFFICE SUPPLIES - PW	Utility Enterprise	$12.47
E 01-4300-050-50	OFFICE SUPPLIES - PW	Road & Bridges	$12.47
GRAINGER			$156.14
GREEN LOTUS YOGA AND HEALING CENTER			
E 01-4435-200-70	8/22/25 YOGA CLASS - REC	Parks & Recreation	$85.00
GREEN LOTUS YOGA AND HEALING CENTER			$85.00
GREEN2 SOLAR LEASING, LLC			
E 01-4213-030-30	SOLAR PANEL LEASE - FIRE	Fire	$206.42
E 45-4213-045-45	SOLAR PANEL LEASE - PAR 3	Golf Course	$190.05
E 01-4213-070-70	SOLAR PANEL LEASE - PUBLIC	Parks & Recreation	$137.60
E 01-4213-050-50	SOLAR PANEL LEASE - PUBLIC	Road & Bridges	$137.60
E 15-4213-060-60	SOLAR PANEL LEASE - PUBLIC	Utility Enterprise	$137.61
E 01-4213-070-70	SOLAR PANEL LEASE - PUBLIC	Parks & Recreation	$68.80
E 01-4213-050-50	SOLAR PANEL LEASE - PUBLIC	Road & Bridges	$68.80
E 08-4213-000-00	SOLAR PANEL LEASE - CITY HA	Spec Fds	$413.12
E 15-4213-060-60	SOLAR PANEL LEASE - PUBLIC	Utility Enterprise	$68.80
GREEN2 SOLAR LEASING, LLC			$1,428.80
HAMER, RICHARD			
E 01-4435-200-70	8/20/25 MUSIC IN THE PARK	Parks & Recreation	$800.00
HAMER, RICHARD			$800.00
HANCO CORPORATION			
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$819.92
HANCO CORPORATION			$819.92
HELPING HANDS HOME SERVICES			
E 01-4335-315-30	BLDG MAINT - FIRE	Fire	$703.00
HELPING HANDS HOME SERVICES			$703.00
HOME DEPOT CREDIT SERVICES			
E 01-4330-490-30	EQUIP REPAIR - FIRE	Fire	$31.96
E 01-4305-070-70	OPERATING SUPPLIES - PARKS	Parks & Recreation	$229.00
E 08-4335-000-00	BLDG MAINT - CITY HALL	Spec Fds	$11.78
E 15-4330-490-60	EQUIP REPAIR - UTILITY	Utility Enterprise	$37.34
E 01-4330-490-30	EQUIP REPAIR - FIRE	Fire	$63.92
HOME DEPOT CREDIT SERVICES			$374.00
HUBNER, HUNTER			
E 01-4410-020-20	UNIFORM REIMBURSEMENT -	Police	$43.24
HUBNER, HUNTER			$43.24

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
IDEAL ENERGIES SOLAR LEASING 2021			
E 01-4213-030-30	SOLAR PANEL LEASE - FIRE	Fire	$171.94
IDEAL ENERGIES SOLAR LEASING 2021			$171.94
IMPERIAL DADE (DALCO)			
E 08-4335-000-00	BLDG SUPPLIES - CITY HALL	Spec Fds	$691.96
IMPERIAL DADE (DALCO)			$691.96
INFOSENSE, INC.			
E 15-4330-490-60	SEWER LINE ASSESSMENT TO	Utility Enterprise	$1,381.53
INFOSENSE, INC.			$1,381.53
INNOVATIVE OFFICE SOLUTIONS			
G 45-2035	OFFICE SUPPLIES - PAR 3		-$1.69
E 01-4300-080-80	PAPER	Planning	$42.06
E 01-4300-110-10	OFFICE SUPPLIES - ADMIN	Administration	$48.42
E 15-4300-060-60	PAPER	Utility Enterprise	$9.90
E 01-4300-020-20	PAPER	Police	$74.22
E 01-4300-040-40	OFFICE SUPPLIES - CODE	Code Enforcement/Inspe	$123.97
E 01-4300-020-20	OFFICE SUPPLIES - PD	Police	$47.02
E 45-4300-045-45	OFFICE SUPPLIES - PAR 3	Golf Course	$26.29
E 01-4300-020-20	OFFICE SUPPLIES - PD	Police	$12.50
E 01-4300-070-70	PAPER	Parks & Recreation	$42.06
E 01-4300-030-30	PAPER	Fire	$17.32
E 01-4300-105-15	PAPER	Engineering Enterprise	$42.06
E 01-4300-110-10	OFFICE SUPPLIES - ADMIN	Administration	$74.84
E 01-4300-110-10	PAPER	Administration	$225.12
E 01-4300-040-40	PAPER	Code Enforcement/Inspe	$42.06
E 01-4300-020-20	OFFICE SUPPLIES - PD	Police	$54.11
INNOVATIVE OFFICE SOLUTIONS			$880.26
IVERSON, DAN			
E 01-4410-020-20	UNIFORM REIMBURSEMENT -	Police	$170.00
IVERSON, DAN			$170.00
JOHNSON-REILAND BUILDERS			
G 29-2125	BLDG PERMIT #23-001070 250		$2,000.00
G 29-2125	BLDG PERMIT #23-001069 251		$2,000.00
JOHNSON-REILAND BUILDERS			$4,000.00
KENNEDY & GRAVEN			
E 01-4220-120-10	JUNE 2025 LEGAL SERVICES	Administration	$46.00
KENNEDY & GRAVEN			$46.00
KIMLEY-HORN AND ASSOCIATES, INC.			
E 27-4220-807-00	FRIENDLY HILLS ST. PROJ.	Spec Fds	$38,082.56
KIMLEY-HORN AND ASSOCIATES, INC.			$38,082.56
KINGSLEY, ROY			
E 01-4220-030-30	PLAN REVIEW FEES - FIRE	Fire	$150.00
KINGSLEY, ROY			$150.00
KIRCHNER CONTRACTING			
E 29-4337-000-00	CATCH BASIN REPAIR - STORM	Spec Fds	$4,950.00

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$4,500.00
KIRCHNER CONTRACTING			$9,450.00
L E L S			
G 01-2075	AUGUST 2025 UNION DUES		$1,095.00
L E L S			$1,095.00
LAKE IMPROVEMENT CONSULTING			
E 29-4220-000-00	ROGERS LAKE TREATMENT 5/9	Spec Fds	$4,995.00
LAKE IMPROVEMENT CONSULTING			$4,995.00
LANDBRIDGE ECOLOGICAL			
E 01-4333-075-75	VALLEY PARK GRANT - NATUR	Natural Resources	$3,410.00
LANDBRIDGE ECOLOGICAL			$3,410.00
LANO EQUIPMENT, INC.			
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$419.00
LANO EQUIPMENT, INC.			$419.00
LAWSON PRODUCTS, INC			
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$3.70
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$455.08
E 01-4305-070-70	OPERATING SUPPLIES - PARKS	Parks & Recreation	$45.71
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$45.71
E 15-4305-060-60	OPERATING SUPPLIES - UTILIT	Utility Enterprise	$45.70
LAWSON PRODUCTS, INC			$595.90
LOCAL UNION NO. 70			
G 01-2075	AUGUST 2025 UNION DUES		$90.50
LOCAL UNION NO. 70			$90.50
LOGIS			
E 01-4220-030-30	JUNE NETWORK SERVICES	Fire	$193.75
E 01-4223-020-20	JUNE NETWORK SERVICES	Police	$116.25
E 01-4301-114-14	SOFTWARE - IT	Info Tech	$724.81
E 01-4223-020-20	APPLICATION SUPPORT - PD	Police	$8,084.00
E 01-4301-030-30	APPLICATION SUPPORT - FIRE	Fire	$268.00
E 01-4220-114-14	APPLICATION SUPPORT	Info Tech	$26,104.00
E 01-4220-114-14	JUNE NETWORK SERVICES	Info Tech	$4,249.58
LOGIS			$39,740.39
LVLD LLC			
E 15-4330-490-60	EQUIP REPAIR - UTILITY	Utility Enterprise	$3,050.00
LVLD LLC			$3,050.00
M T I DISTRIBUTING COMPANY			
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$381.29
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$107.78
E 45-4334-045-45	IRRIGATION SUPPLIES - PAR 3	Golf Course	$590.95
M T I DISTRIBUTING COMPANY			$1,080.02
MANSFIELD OIL COMPANY			
G 01-1210	FUEL		$8,038.57
MANSFIELD OIL COMPANY			$8,038.57

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
MENARDS			
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$34.79
E 15-4305-060-60	OPERATING SUPPLIES - UTILIT	Utility Enterprise	$129.79
E 15-4305-060-60	OPERATING SUPPLIES - UTILIT	Utility Enterprise	$104.66
E 01-4305-070-70	OPERATING SUPPLIES - PARKS	Parks & Recreation	$13.91
E 01-4305-105-15	OPERATING SUPPLIES - ENGIN	Engineering Enterprise	$20.16
E 01-4305-070-70	OPERATING SUPPLIES - PARKS	Parks & Recreation	$13.08
E 01-4305-030-30	OPERATING SUPPLIES - FIRE	Fire	$77.58
E 01-4305-030-30	OPERATING SUPPLIES - FIRE	Fire	$145.26
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$12.98
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$154.90
E 08-4335-000-00	BLDG MAINT - CITY HALL	Spec Fds	$12.96
G 45-2035	BLDG MAINT - PAR 3		-$2.73
E 15-4335-310-60	BLDG MAINT - PW	Utility Enterprise	$2.99
E 01-4336-050-50	SNOW REMOVAL REPAIR - STR	Road & Bridges	$12.98
E 29-4330-000-00	EQUIP REPAIR - STORM WATE	Spec Fds	$83.25
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$10.14
E 15-4330-490-60	EQUIP REPAIR - UTILITY	Utility Enterprise	$16.68
E 45-4335-045-45	BLDG MAINT - PAR 3	Golf Course	$42.41
E 01-4335-310-50	BLDG MAINT - PW	Road & Bridges	$3.00
E 01-4335-310-70	BLDG MAINT - PW	Parks & Recreation	$3.00
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$98.43
E 01-4305-070-70	OPERATING SUPPLIES - PARKS	Parks & Recreation	$105.84
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$29.97
MENARDS			$1,126.03
MENDOTA HEIGHTS, CITY OF			
E 45-4427-045-45	2025 2ND QTR SEWER - PAR 3	Golf Course	$447.47
MENDOTA HEIGHTS, CITY OF			$447.47
MENDOTA, CITY OF			
R 15-3400	2ND QTR 2025 (APR-JUN) SEW		$399.07
MENDOTA, CITY OF			$399.07
METRO SALES			
E 01-4200-610-20	JUNE 2025 COPIER/PRINTER L	Police	$240.33
METRO SALES			$240.33
MID NORTHERN SERVICES			
E 08-4335-000-00	BLDG MAINT - CITY HALL	Spec Fds	$1,381.22
MID NORTHERN SERVICES			$1,381.22
MIDWEST MACHINERY CO (FRONTIER AG)			
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$277.47
MIDWEST MACHINERY CO (FRONTIER AG)			$277.47
MN DEPT OF TRSPT			
E 27-4460-807-00	FRIENDLY HILLS IMPROVEMEN	Spec Fds	$420.64
E 27-4460-807-00	FRIENDLY HILLS IMPROVEMEN	Spec Fds	$274.27
MN DEPT OF TRSPT			$694.91
MN ST ADMIN ITG TELECOM SRVCE			
E 01-4223-020-20	JUNE 2025 WAN SERVICE	Police	$124.00
E 01-4220-114-14	JUNE 2025 WAN SERVICE	Info Tech	$111.00

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
MN ST ADMIN ITG TELECOM SRVCE			$235.00
MN VALLEY UMPIRE ASSOC			
E 01-4435-200-70	MENS TUESDAY SOFTBALL UM	Parks & Recreation	$1,862.00
MN VALLEY UMPIRE ASSOC			$1,862.00
MNPEA			
G 01-2075	AUG 2025 UNION DUES		$144.00
MNPEA			$144.00
NAC MECHANICAL & ELECTRIC			
E 01-4335-315-30	BLDG MAINT - FIRE	Fire	$2,177.92
NAC MECHANICAL & ELECTRIC			$2,177.92
NORTHLAND CHEMICAL			
E 15-4305-060-60	OPERATING SUPPLIES - UTILIT	Utility Enterprise	$31.69
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$31.70
E 01-4305-070-70	OPERATING SUPPLIES - PARKS	Parks & Recreation	$31.70
NORTHLAND CHEMICAL			$95.09
NUSS TRUCK & EQUIPMENT			
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$115.61
NUSS TRUCK & EQUIPMENT			$115.61
NYSTROM PUBLISHING CO., INC.			
E 01-4268-650-10	SUMMER 2025 HEIGHTS HEIGH	Administration	$2,770.00
E 01-4268-030-30	FIRE DEPT ANNUAL REPORT	Fire	$3,220.32
E 01-4435-200-70	HEIGHTS FEST POSTCARDS	Parks & Recreation	$3,162.08
NYSTROM PUBLISHING CO., INC.			$9,152.40
PERRAULT, DAVID			
E 01-4410-020-20	GUN SAFE REIMBURSEMENT -	Police	$200.00
PERRAULT, DAVID			$200.00
PIONEER SECURESHRED			
E 01-4490-020-20	JUNE 2025 SHREDDING	Police	$96.67
E 01-4490-110-10	JUNE 2025 SHREDDING	Administration	$53.33
PIONEER SECURESHRED			$150.00
POWELL, JARED			
E 01-4410-020-20	UNIFORM REIMBURSEMENT - J	Police	$214.87
POWELL, JARED			$214.87
PRECISE MRM LLC			
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$20.00
PRECISE MRM LLC			$20.00
PRIORITY COURIER EXPERTS			
E 01-4490-110-10	COURIER - ADMIN	Administration	$36.24
PRIORITY COURIER EXPERTS			$36.24
RIGID HITCH INCORPORATED			
E 01-4330-490-70	EQUIP REPAIR - PARKS	Parks & Recreation	$370.63
RIGID HITCH INCORPORATED			$370.63
ROSEVILLE MIDWAY FORD			

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
E 01-4330-440-20	EQUIP REPAIR - PD	Police	$348.06
ROSEVILLE MIDWAY FORD			$348.06
RYAN CONTRACTING			
E 57-4460-805-00	EMERSON AVE ST IMPROVEME	Spec Fds	$81,987.41
RYAN CONTRACTING			$81,987.41
SAFE-FAST, INC.			
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$1,211.02
SAFE-FAST, INC.			$1,211.02
SAFETY 101			
E 15-4300-060-60	OFFICE SUPPLIES - PW	Utility Enterprise	$21.66
E 01-4300-050-50	OFFICE SUPPLIES - PW	Road & Bridges	$21.67
E 01-4300-070-70	OFFICE SUPPLIES - PW	Parks & Recreation	$21.67
SAFETY 101			$65.00
SAVATREE			
E 01-4500-075-75	TREE SERVICES - NATURAL RE	Natural Resources	$204.00
SAVATREE			$204.00
SCHLOMKA SERVICES, LLC			
E 15-4330-400-60	EQUIP REPAIR - UTILITY	Utility Enterprise	$1,500.00
E 15-4330-400-60	EQUIP REPAIR - UTILITY	Utility Enterprise	$750.00
E 29-4330-000-00	EQUIP REPAIR - STORM WATE	Spec Fds	$400.00
SCHLOMKA SERVICES, LLC			$2,650.00
SECRETARY OF STATE, OFFICE OF			
E 01-4490-110-10	NOTARY APPLICATION - N. BA	Administration	$120.00
SECRETARY OF STATE, OFFICE OF			$120.00
SHERWIN WILLIAMS			
E 01-4330-215-70	PARK MAINTENANCE	Parks & Recreation	$64.77
SHERWIN WILLIAMS			$64.77
SIR LINES-A-LOT			
E 01-4424-050-50	STRIPING - STREET	Road & Bridges	$12,516.10
SIR LINES-A-LOT			$12,516.10
ST THOMAS ACADEMY			
G 29-2125	BLDG PERMIT #23-001428 949		$2,000.00
ST THOMAS ACADEMY			$2,000.00
ST. PAUL, CITY OF			
E 01-4422-050-50	ASPHALT MIX - STREET	Road & Bridges	$4,549.02
ST. PAUL, CITY OF			$4,549.02
STANDARD INSURANCE			
E 01-4131-110-10	AUG 2025 PREMIUM - LIFE/DIS	Administration	$332.47
E 01-4131-105-15	AUG 2025 PREMIUM - LIFE/DIS	Engineering Enterprise	$134.35
E 01-4131-020-20	AUG 2025 PREMIUM - LIFE/DIS	Police	$886.56
E 01-4131-030-30	AUG 2025 PREMIUM - LIFE/DIS	Fire	$1.40
E 01-4131-050-50	AUG 2025 PREMIUM - LIFE/DIS	Road & Bridges	$329.37
E 01-4131-070-70	AUG 2025 PREMIUM - LIFE/DIS	Parks & Recreation	$272.08
E 15-4131-060-60	AUG 2025 PREMIUM - LIFE/DIS	Utility Enterprise	$199.97

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
E 08-4131-000-00	AUG 2025 PREMIUM - LIFE/DIS	Spec Fds	$142.21
G 01-2071	AUG 2025 PREMIUM - LIFE/DIS		$1,807.71
STANDARD INSURANCE			$4,106.12
STONEBROOKE ENGINEERING			
E 01-4220-110-10	ADA TRANSITION PLAN	Administration	$2,448.34
E 01-4220-110-10	ADA TRANSITION PLAN	Administration	$5,118.87
STONEBROOKE ENGINEERING			$7,567.21
SUN LIFE (ASSURANT BENEFITS)			
E 01-4132-031-30	AUG 2025 PREMIUM	Fire	$169.60
SUN LIFE (ASSURANT BENEFITS)			$169.60
SWANK MOTION PICTURES, INC.			
E 01-4435-200-70	8/8/25 MOVIE - PARKS CELEBR	Parks & Recreation	$765.00
SWANK MOTION PICTURES, INC.			$765.00
TIME SAVER OFF SITE SEC. SVC.			
E 01-4220-070-70	7/8/25 PARK & REC COMMISSI	Parks & Recreation	$212.50
E 01-4220-110-10	7/1/25 CITY COUNCIL MINUTE	Administration	$334.00
TIME SAVER OFF SITE SEC. SVC.			$546.50
TRACTOR SUPPLY			
E 01-4410-070-70	BOOTS - PARKS	Parks & Recreation	$109.99
TRACTOR SUPPLY			$109.99
TREE TRUST			
E 01-4333-075-75	TREE CANOPY PROGRAM - NAT	Natural Resources	$7,585.00
TREE TRUST			$7,585.00
TRI STATE BOBCAT			
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$940.00
E 01-4305-050-50	OPERATING SUPPLIES - STREE	Road & Bridges	$1,325.00
TRI STATE BOBCAT			$2,265.00
TRUCK REPAIR & EQUIPMENT			
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$881.35
E 01-4330-490-50	EQUIP REPAIR - STREET	Road & Bridges	$185.25
TRUCK REPAIR & EQUIPMENT			$1,066.60
VERSATILE VEHICLES			
E 45-4200-610-45	AUGUST 2025 CART LEASES - P	Golf Course	$1,755.00
VERSATILE VEHICLES			$1,755.00
VESTIS (ARAMARK)			
E 01-4410-050-50	UNIFORM - PW	Road & Bridges	$10.26
E 15-4200-610-60	MAT SERVICE - PW	Utility Enterprise	$21.03
E 01-4200-610-70	MAT SERVICE - PW	Parks & Recreation	$21.02
E 01-4200-610-50	MAT SERVICE - PW	Road & Bridges	$21.02
E 15-4200-610-60	MAT SERVICE - PW	Utility Enterprise	$21.03
E 01-4410-050-50	UNIFORM - PW	Road & Bridges	$10.26
E 08-4335-000-00	MAT SERVICE - CITY HALL	Spec Fds	$115.50
E 01-4200-610-70	MAT SERVICE - PW	Parks & Recreation	$15.29
E 01-4200-610-50	MAT SERVICE - PW	Road & Bridges	$15.29
E 15-4200-610-60	MAT SERVICE - PW	Utility Enterprise	$15.29

CITY OF MENDOTA HEIGHTS

Claims List

SYSTEM CHECKS

08/06/25 PAY

Account	Comments	DEPT Descr	Amount
E 01-4410-050-50	UNIFORM - PW	Road & Bridges	$11.26
E 08-4335-000-00	MAT SERVICE - CITY HALL	Spec Fds	$115.50
E 01-4200-610-70	MAT SERVICE - PW	Parks & Recreation	$21.02
E 01-4200-610-50	MAT SERVICE - PW	Road & Bridges	$21.02
VESTIS (ARAMARK)			$434.79
WAGMAN, ERIC			
E 01-4400-020-20	JUNE TRAINING REIMBURSEM	Police	$117.75
WAGMAN, ERIC			$117.75
WALLRAFF ELECTRIC CO.			
E 08-4335-000-00	BLDG MAINT - CITY HALL	Spec Fds	$557.00
WALLRAFF ELECTRIC CO.			$557.00
WARNING LITES OF MINN			
E 29-4330-000-00	VALLEY CREEK STREAMBANK I	Spec Fds	$850.00
WARNING LITES OF MINN			$850.00
WSB & ASSOCIATES			
E 09-4220-000-00	OHEYAWAHE PRESERVATION	Spec Fds	$45,579.50
E 29-4220-000-00	STORMWATER BASIN ASSESSM	Spec Fds	$12,778.75
WSB & ASSOCIATES			$58,358.25
ZIEGLER INC			
E 01-4330-490-30	GENERATOR REPAIR - FIRE	Fire	$716.41
ZIEGLER INC			$716.41
			$451,051.61

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: MRPA Award of Excellence for Marketing and Communications

ITEM TYPE: Presentation

DEPARTMENT: Parks and Recreation

CONTACT: Meredith Lawrence, Parks and Recreation/Assistant Public Works Director

ACTION REQUEST:
Accept the MRPA Award of Excellence for Marketing and Communications.

BACKGROUND:
Jared Flewellen, Assistant Parks and Recreation Director for the City of Eagan, representing the Minnesota Recreation and Park Association (MRPA) will present the 2024 MRPA Award of Excellence to the City of Mendota Heights. The MRPA annually recognizes communities for excellence in marketing and communications. The Mendota Heights Parks and Recreation team was awarded the 2024 MRPA Award of Excellence for the 2023 Parks and Recreation Annual Report Video.

FISCAL AND RESOURCE IMPACT:
None.

ATTACHMENTS:
None

CITY COUNCIL PRIORITY:
Economic Vitality & Community Vibrancy, Premier Public Services & Infrastructure, Inclusive and Responsive Government

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Resolution 2025-45 Approving a Special Appropriations Permit Application for Oheyawahe

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Engineering **CONTACT:** Ryan Ruzek, Public Works Director

ACTION REQUEST:

Approve Resolution 2025-45 approving a special appropriation permit application for Oheyawahe.

BACKGROUND:

The 2023 Minnesota Legislature passed legislation (House File 1950/Senate File 2011) funding $1.85 million for a grant from the Department of Employment and Economic Development to the City of Mendota Heights for capital improvements at Oheyawahe/Pilot Knob. In addition to the State Grant, Oheyawahe has also been awarded three grants from the Historical Society of Minnesota which has guided the necessary improvements to be implemented on the site. The guidance from the Interpretive plans has been to let the land speak for herself and minimize the man-made features on the site.

The city is required to implement all items identified in the State Grant language.

For a grant to the city of Mendota Heights for development of Oheyawahe (Pilot Knob), a culturally, historically, and environmentally important site and Dakota sacred site located at 2100 Pilot Knob Road in Mendota Heights, overlooking the confluence of the Mississippi and Minnesota Rivers, which is included on the National Register of Historic Places. This appropriation includes money to design and construct; multipurpose gathering spaces, interpretation structures, trail connections and walkways, parking, and other visitor amenities and infrastructure; grading, landscaping, and other site and natural resource improvements including the planting and restoration of native vegetation; and other betterments necessary to provide safe and improved visitor access and preserve the site as a public natural area.

The consultant (WSB and Associates), Oheyawahe Task Force, and staff have been working on developing capital improvements plans. The city needs to complete and submit a special appropriations application to DEED to move forward with entering into a contract to receive

the legislative funds.

Council will hear a brief presentation then staff and task force can answer any questions.

FISCAL AND RESOURCE IMPACT:

The City is required to provide a $50,000 match on the State funds. To maximize the desired capital improvements, staff are proposing that additional funds be allocated to the project.

The additional funds are projected to include storm water utility funds ($144,000) for the pond construction, piping, and other drainage work. Sanitary and water utility funds ($44,000) to extend the utilities for the restroom facility, funds from Dakota County ($10,000) for a trailhead along the Big Rivers Regional Trail, and Natural Resource funds ($41,000) to implement the Natural Resource Management Plan for the site.

ATTACHMENTS:

1. Res 2025-45 Special Appropriation Application
2. Application for SPAP Capital Projects - Oheyawahe

CITY COUNCIL PRIORITY:

Economic Vitality & Community Vibrancy, Premier Public Services & Infrastructure, Environmental Sustainability & Stewardship, Inclusive and Responsive Government

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-45

RESOLUTION APPROVING SPECIAL APPROPRIATION APPLICATION

BE IT RESOLVED that the City of Mendota Heights act as the legal sponsor for the project contained in House File 1950/Senate File 2011 entitled Oheyawahe/Pilot Knob.

BE IT FURTHER RESOLVED that the City of Mendota Heights has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the development proposal are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Mendota Heights has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its development proposal by the state, the City of Mendota Heights may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Mendota Heights certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

BE IT FURTHER RESOLVED that the non-DEED source of funds identified in the sources and uses outline in the application total the amount of $289,000 and are committed and adequate to fully fund or provide the match for the project identified in the application.

BE IT FURTHER RESOLVED that any source of the Applicant's fund to fully fund the project shall be from the General Fund account which has an adequate amount of funds to cover the commitment.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Mendota Heights.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Mendota Heights on August 6, 2025.

Adopted by the City Council of the City of Mendota Heights this sixth day of August, 2025.

SIGNED: WITNESSED:

_____ _____
Stephanie B. Levine Nancy Bauer

_____ _____
Mayor Date City Clerk Date

Special Appropriation Application for Construction Projects

Application Cover Sheet

Project Name**:** Oheyawahe (Pilot Knob)

Project Address or Location: 2100 Pilot Knob Road, Mendota Heights, MN 55118

County Where Project Is: Dakota

Applicant/Grantee: City of Mendota Heights

Project Contact Person: Ryan Ruzek

Title: Public Works Director

Address: 1101 Victoria Curve

City: Mendota Heights MN Zip 55118

Phone: 651-255-1152

E-Mail Address: rruzek@mendotaheightsmn.gov

Minnesota SWIFT Vendor number: 0000199154

Grantee Type: Statutory City, Home Rule Charter City or Other (if other indicate type): Statutory City

NOTE: DEED will not provide funds to a title company or any other entity on behalf of the grantee. Funds will be provided directly to the grantee, preferably into a separate account that is created for the project.

Legislative Authorization

Legislative Citation that Authorizes Project: (Chapter #, Article #, section, subdivision):

Chapter 71, Article 1, Section 14, Subdivision 21

Legislative Language:

For a grant to the city of Mendota Heights for development of Oheyawahe (Pilot Knob), a culturally, historically, and environmentally important site and Dakota sacred site located at 2100 Pilot Knob Road in Mendota Heights, overlooking the confluence of the Mississippi and Minnesota Rivers, which is included on the National Register of Historic Places. This appropriation includes money to design and construct: multipurpose gathering spaces, interpretation structures, trail connections and walkways, parking, and other visitor amenities and infrastructure; grading, landscaping, and other site and natural resource improvements including the planting and restoration of native vegetation; and other betterments necessary to provide safe and improved visitor access and preserve the site as a public natural area.

Project Narrative

Oheyawahe is a Dakota traditional cultural property (TCP) and sacred site located in Mendota Heights. The property is owned and managed by the City of Mendota Heights and is open to the public free of charge. It is a significant place for education and cultural understanding. Visitation to the site by individuals and groups has been increasing since the site was listed on the National Register of Historic Places in 2017. It is important to provide a safe and educational experience to visitors of all abilities.

The City of Mendota Heights purchased the property in stages, in 8.2 acres in 2006, 14.4 acres in 2008, and 1 acre in 2020. The entrance, parking lot and trails originally developed by the City for public visitation are now inadequate for the number of visitors and their needs.

The proposed construction project recognizes that Oheyawahe carries historic and sacred significance, and that improvements to the site must be undertaken to maintain these qualities and ensure safe access for people with varying abilities. The dimensions and costs of the construction elements are subject to revision during the design phase of the project and as work related to the interpretive concept design continues.

This appropriation includes funding to design and construct these Project Activities:

1. **Design**
   The City of Mendota Heights will issue a request for proposal to hire an architect and engineering firm to design the project based on the elements included in the legislative funding.

2. **Parking Lot/Rain Garden/Utilities**
   The current, small parking lot at Pilot Knob Road and Acacia Blvd was constructed in 2008 is no longer adequate for the number of visitors nor is it considered safe for student bus drop-off and pick-ups.

   The new main entrance and parking lot will be relocated along the north side of Acacia Blvd. This budget line includes money for grading and landscaping. Other activities included:

   a. Parking lot will be a 11-space lot with 2 additional handicap spaces. The parking lot also includes space for three school buses to park off-street.
   b. Stormwater will be managed by an adjacent raingarden or bioswale.

Additional features include site improvements and infrastructure for visitor safety and amenities May include security cameras at the main entrance and high-speed internet and WiFi to connect interpretive installations to mobile phones.

3. **Shelter Structure**

A main gathering space close to the parking lot will provide accessible amenities:

a. general use canopy with seating
b. this structure will be the main gathering area for school group tours

4. **Restroom Facility**

A restroom facility will include the following accessible amenities:

a. at least two (2) fully accessible and inclusive gender-neutral restrooms with adult changing table
b. Remote locking restroom facility doors
c. drinking fountain
d. storage for maintenance and operations

5. **Trails and Walkways**

Currently trails existing at the site are not compliant with the Americans with Disabilities Act and are prone to erosion. Improvements include:

a. ADA compliant walkways between parking lot, rest rooms and main trail
b. ADA compliant loop to north Overlook
c. A new trail that connects the Valencour entrance to the main trail
d. An improved connecting trail from Big Rivers Regional Trail (BRRT) Oheyawahe node to the Seven Council Fires overlook. The BRRT is operated by Dakota County and serves an estimated 167,000 users each year. Access improvements to Oheyawahe include addressing the steep eroding trail
e. Redesign trails as necessary to be sustainable and to minimize maintenance and erosion damage
f. Reduction of former Pilot Knob Rd to 8' lane

6. **Interpretive Structures (Kiosk, Monument, Overlook)**

Interpretive structures are in the process of development. The Minnesota Historical Society awarded Heritage Partnership Program Grants to the City of Mendota Heights and its partners, Dakota County and Pilot Knob Preservation Association, in 2020 to develop interpretive themes and in 2022 to develop the Interpretive Concept Design Plan. An Additional grant was also awarded in 2024 to develop the proper language and history. Interpretive structures will be constructed and located as the plan recommends. The plan is guided by input from a Dakota advisory group.

a. Wayfinding signage at the three entrances.
b. A kiosk or educational information case at the three entrances.
c. Interpretive features installed on site per the plan may include structures, interactive art, and interpretive signs.

d. Design and installation of a monument sign noting the site listing on the National Register of Historic Places at the main entrance.
e. Redesign and relocation of the North Overlook.
f. Additional interpretation at the current Seven Council Fires Overlook. This informal gathering space comprises seven limestone blocks representing the Oceti Sakowin—the seven Dakota/Lakota/Nakota groups—residing from Minnesota to Montana, Nebraska to Canada.

7. **Valencour Structure**
   The 1-acre parcel purchased in 2020 included a house and several structures that were removed. A new garage was kept as a gathering space for visitors to Oheyawahe.

8. **Engineering/Architectural Construction Management**
   The City of Mendota Heights will issue a request for proposal to hire an architect and engineering firm to manage the construction of the project.

9. **Activities not funded through DEED/SPAP (Natural Resources County Collaboration)**

The City implements a Natural Resources Management Plan (NRMP) specifically for the Oheyawahe site. The main goal of the NRMP is to restore site vegetation to oak savanna and woodland, where appropriate. It supports habitat for wildlife as well as maintaining the historic and aspect of the landscape. Capital improvements are predominantly at the entrances to the site, and overlook, trails and interpretive elements are designed to minimize ecological impacts and retain historic views.

Ownership and Usage

Who is the current owner of the project's footprint: City of Mendota Heights

Who is the current owner of the project (building, structure or facility), if not new construction: City of Mendota Heights owns the property. No current buildings, structure, or facility exist on the site.

How will ownership be transferred to the applying entity if the applying entity does not yet own the footprint, building, structure, or facility: Not applicable, the City of Mendota Heights owns the property.

Who will operate and maintain the property or facility (project) after project completion: City of Mendota Heights

Will there be any other users or tenants of the facility other than the owner: (Yes/No): No

If so, will any of these tenants be frequent users or already have a lease/use agreement (Yes/No): No

If so, name the users or tenants and how they would use the completed project: Not applicable as no other users or tenants exist

Will the project involve executing a naming rights agreement with any entity (Yes/No): No

Describe who will own, operate and maintain the property and/or facility after project completion: The City of Mendota Heights will own, operate, and maintain the property and facility after completion.

Questions

1. If applicable, do any aspects of the project have historical significance? If so, which historical organizations will be consulted or need to approve any of the plans for improvements or demolition of or to any building? If so, please outline how these organizations will be involved. If they will not be involved, or their participation is not applicable, please outline why:

   This approximately 25-acre site has historical significance as a landscape and cultural site. It has no buildings or structures with historical significance. The site is part of a 112-acre area designated on the National Register of Historic Places in 2017 for its significance as a traditional cultural property and historic site unrelated to any historic buildings. Improvements will be made in a manner that preserves the site's historical integrity as a landscape. Since no federal funds have been used to acquire or improve the site, the National Register designation does not impose any legal restraints on site improvements. 36 CFR §60.2;

   https://www.nps.gov/subjects/nationalregister/faqs.htm#:~:text=Under%20Federal%20Law%2C%20the%20listing,usually%20funding%20or%20licensing%2Fpermitting.

   The City of Mendota Heights (City) is mindful of the character of the area as a Dakota sacred site and its cultural significance to Indigenous people. The City is engaged with the organizations listed below to enhance its understanding and to create plans for appropriate improvements. No approvals are required from these organizations.

   Full Circle Indigenous Planning + Design: A 100% Native American owned, community focused planning and design firm currently preparing the interpretive concept design for the site. Full Circle is the City's current contractor to prepare an interpretive concept design for the site.

   Pilot Knob Preservation Association (PKPA): An Indigenous-led 501(c)(3) nonprofit corporation with a mission to advocate for this distinctive hill, document its long history, raise public awareness of its importance, and help to preserve it for present and future generations. PKPA has advised the City regarding interpretation and management since the site was acquired in 2006. PKPA is represented on the Task Force appointed by the City Council to advise the City about management at Oheyawahe.

   106 Group: A respected company of archaeologists, historians, planners, and designers with a local office and over thirty years of experience **connecting people, place**

and time. 106 Group conducted a historical review of this site in 2002 and is engaged as a subcontractor in the interpretive concept design.

Dakota County: The City works closely with the Outdoor Education Supervisor and the Natural Resources Manager of Dakota County Parks, both of whom are on the Task Force appointed by the Mendota Heights City Council to advise the City about interpretation and management at Oheyawahe.

MN Historical Society (MHS): MHS has been engaged with PKPA and City at this site for approximately twenty years. MHS awarded two grants to PKPA for interpretative of the site and endorsed the nomination of the site by PKPA to the National Register of Historic Places. MHS has awarded two Heritage Partnership Program grants to the partners Mendota Heights, Dakota County and PKPA for interpretive planning. That planning and consultation is ongoing and incorporated into the proposed construction elements.

Acacia Park Cemetery: Acacia Park Cemetery owns 80 acres of the 112-acre area listed on the National Register of Historic Places. The Cemetery has a representative on the Task Force that is guiding the management and improvements to the area.

In addition, Mendota Heights Oheyawahe Task Force members will continue to consult with staff of St. Paul Public Schools, Minnesota Council of Churches and Minnesota Center for Humanities which regularly bring groups to the site.

2. Attach a map of the city with the location of the project indicated on the map: See Attached

3. Attach engineering and/or architectural total project cost estimate documents. If not available, how do we know the projected costs are professionally estimated: See Attached

4. What is the useful life of the project after completion? *Note that the pending grant agreement and public ownership of the project will need to be maintained for 125% of the useful life of the project. So, for example, a project with a useful life of 30 years will have a grant agreement in effect for 37.5 years and need to be owned for the same amount of time. Any sale or any change of use not outlined in the enabling legislation would trigger repayment of a pro-rata share of grant funds back to the state.* 25 Years

Project Budget

Proposed activities must match up with legislative language and should include all costs required to complete the project. Complete Tables 1 and 2 below. **Before completing, read the instructions provided. Both contain samples for guidance.**

Table 1

For the Project Activities Column: List separately the components of the project that are eligible items: Capital costs and/or costs assigned in the legislative appropriation. Examples would be predesign, design, and construction elements. List all non-eligible items that are needed for the project as a separate line item. Add rows to the table for more costs as needed.

For Match/Other Funds: Provide the dollar amount for any match and/or other funds that are estimated to be needed to complete the project. Examples - If the legislation mandates a 1:1 match, the DEED funds should be equal to the Match/Other Funds column.

If the total project costs are estimated to exceed the DEED funds and the matching funds, enter the amount of funds that are needed for each line that total the amount needed for the project.

If there is no legislated match for the project, but other funds are needed to complete the estimated project costs, provide those figures in this column as well.

Total Itemized Projected Costs: Make sure that all costs total correctly.

Table 1 – Budget Outline

Project Activities	DEED/SPAP Funds	Match/Other Funds	Total Itemized Projected Cost
Design	$130,000		$130,000
Parking Lot	$400,000		$400,000
Valencour Trail Connection	$40,000		$40,000
Central Trail	$200,000		$200,000
Trail to the Big Rivers Regional Trail	$100,000		$100,000
Parking Lot Sidewalk	$50,000		$50,000
Seven Council Fires Overlook	$5,000		$5,000
Main Gathering Area	$285,000		$285,000
Restroom Facility	$470,000	$50,000	$520,000
Engineering/Architectural Construction Management	$120,000		$120,000
Activities not funded through DEED/SPAP			
Natural Resources City Funds		$41,000	
Big Rivers Regional Trail Connection		$10,000	
Storm Water Utility Funds		$144,000	
Sewer/Water Utility Funds		$44,000	
Total Costs	**$1,800,000**	**$289,000**	**$2,089,000**

Table 2:

Instructions

Lists all eligible activity items from Table 1 in the first column of Table 2. Eligible items are identified in the legislative language. Leave non-eligible items out of Table 2. Lists sources individually, whether those funds are committed, and the dollar amount assigned for each source in the second column. Per the sample below, outline the committed status of funds in the third column. If not yet committed, outline how they will be committed. Attach more comments to outline commitment, if necessary.

Finally, in the fourth column, assign the dollar amount of costs assigned to the source that corresponds with that row. Add rows as necessary.

Table 2

Eligible Activity from Table 1	**Source of Funds from Table 1 above**	**Funds Committed? Yes or No**	**Dollars assigned to source**
Design	DEED/SPAP	Yes – Legislative Appropriation	$130,000
Parking Lot	DEED/SPAP	Yes – Legislative Appropriation	$400,000
Valencour Trail Connection	DEED/SPAP	Yes – Legislative Appropriation	$40,000
Central Trail	DEED/SPAP	Yes – Legislative Appropriation	$200,000
Trail to Big Rivers Regional Trail	DEED/SPAP	Yes – Legislative Appropriation	$100,000
Parking Lot Sidewalk	DEED/SPAP	Yes – Legislative Appropriation	$50,000
Seven Council Fires Overlook	DEED/SPAP	Yes – Legislative Appropriation	$5,000
Main Gathering Area	DEED/SPAP	Yes – Legislative Appropriation	$285,000
Restroom Facility	DEED/SPAP	Yes – Legislative Appropriation	$520,000
Restroom Facility	City General Fund	Yes – In approved Budget	$50,000
Engineering/Architectural Construction Management	DEED/SPAP	Yes – Legislative Appropriation	$120,000
Activities not funded through DEED/SPAP (Natural Resources County Collaboration	City General Fund County General Fund	No – Pending Adopted Budget	$289,000
Totals			$2,089,000

Project Timeline

Activity	Finish mm/yy
Site control (if necessary)	N/A
All funding (non-DEED funds) for project secured and in place	08/25
Declaration Recorded or Waiver from MMB secured	03/26
All permits in place	03/26
Project out for public bid	03/26
Bid accepted	04/26
Project started	05/26
Project complete	05/27
Project inspected and operational	06/27

(Check the appropriate box for the Real Property and, if applicable, for the Facility.)

Ownership Interest in the Real Property.

[x] Fee simple ownership of the Real Property.

[ ] A Real Property/Facility Lease for the Real Property that complies with the requirements contained in Section 2.06.
(If the term of the Real Property/Facility Lease is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

[ ] An easement for the Real Property that complies with the requirements contained in Section 2.06.
(If the term of the easement is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

Ownership Interest in, if applicable, the Facility.

[ ] Fee simple ownership of the Facility.

[ ] A Real Property/Facility Lease for the Facility that complies with all of the requirements contained in Section 2.06.
(If the term of the Real Property/Facility Lease is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

[x] Not applicable because there is no Facility.

Attachment 2 to Application: Legal Description

Provide the legal description only for the public land footprint on which the property or facility is located.

The following real property located in the County of Dakota, State of Minnesota, legally described as follows:

That part of Huber's Subdivision, St. George Subdivision, and those parts of Lots 25, 26 and 27 Auditor's Subdivision No. 29 according to the recorded plats thereof, Dakota County, Minnesota and that part of the Southeast Quarter of Section 28, Township 28, Range 23, Dakota County, Minnesota described as follows:
Commencing at the Northeast comer of said Southeast Quarter; thence on an assumed bearing of South 00 degrees 38 minutes 23 seconds East, along the East line of said Southeast Quarter a distance of 200.00 feet; thence South 89 degrees 21 minutes 37 seconds West 20.00 feet; thence South 76 degrees 51 minutes 37 seconds West 240.00 feet to the point of beginning; thence North 76 degrees 51 minutes 37 seconds East 240.00 feet; thence North 89 degrees 21 minutes 37 seconds East 20.00 feet to the intersection with the East line of said Southeast Quarter; thence South 00 degrees 38 minutes 23 seconds East along said East line 878.03 feet; thence South 89 degrees 21 minutes 37 seconds West 244.22 feet; thence North 50 degrees 27 minutes 27 seconds West 835.63 feet to the intersection with the Southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 38 degrees 14 minutes 29 seconds East 475.86 feet along said right-of-way to the line of intersection with the Northerly line of Huber's Subdivision; thence South 78 degrees 31 minutes 23 seconds East 337.22 feet along the Northerly line of Huber's Subdivision and St. George Subdivision to the intersection with a line drawn on a bearing of North 00 degrees 38 minutes 23 seconds West, parallel with the East line of said Southeast Quarter, from the point of beginning; thence South 00 degrees 38 minutes 23 seconds East along said parallel line 12.75 feet to the point of beginning.
Dakota County, Minnesota
Abstract and Torrens Property

The Torrens portion of the property is described as follows:

The Northeasterly 25 feet of Lot 7 and all of Lot 8 of St. George Subdivision, except that part of Lot 8 of St. George Subdivision of Section 28, Township 28, Range 23, which lies within a distance of 60 feet Southeasterly of the Northwesterly boundary of said Lot 8 and between two parallel lines consisting of the Northeasterly boundary of Said Lot 8 extended Southeasterly and a line 190 feet Southwesterly of the said Northeasterly boundary and the extension of said Northeasterly boundary Southeasterly, also excepting the rights of the State of Minnesota for S.T.H. No. 55, according to the recorded plat thereof on file and of record in the office of the Register of Deeds within and for Dakota County, Minnesota.

AND
That part of the Southeast Quarter of Section 28, Township 28, Range 23, Dakota County, Minnesota, described as follows:
Commencing at the Northeast comer of said Southeast Quarter; thence on an assumed bearing of South 00 Degrees 38 Minutes 23 seconds East, along the East line of said Southeast Quarter a distance of 200.00 feet to the point of beginning; thence South 89 Degrees 21 Minutes 37 Seconds West 20.00 feet; thence South 76 Degrees 51 Minutes 37 Seconds West 240.00 feet; thence South 00 Degrees 38 Minutes 23 Seconds East parallel with the East line of said Southeast Quarter, 814.00 feet; thence North 88 Degrees 20 Minutes 11 Seconds East 254.35 feet to a point on the

East line of said Southeast Quarter, said point being 861.40 feet South of the point of beginning, as measured along the East line of said Southeast Quarter; thence North 00 Degrees 38 Minutes 23 Seconds West along said East line, 861.40 feet to the point of beginning.

AND ALSO
Lot 1, Block 1, Acacia Park East Addition, according to the recorded plat and situate in Dakota County, Minnesota, except Parcel 247C as depicted on Minnesota Department of Transportation Right of Way Plats 19-98, 19-99 and 19-110.
Abstract Property

AND ALSO
The South 217 feet of Lot Seven (7), Block One (1) Perron Place, except the East 40 feet thereof, together with an easement for driveway purposes over the North 20 feet of the South 217 feet of Lot Nine (9), Lot Eight (8) and the East 40 feet of Lot Seven (7), all in Block One (1) Perron Place.
Abstract Property

AND ALSO
The South 217 feet of East 40 feet of Lot Seven (7); and the South 217 feet of Lot Eight (8), Block One (1), Perron Place.

Together with an easement over the North 20 feet of the South 217 feet of Lot Nine (9), Block One (1) of Perron Place.
Abstract Property

AND ALSO
The South 217 feet of Lot Nine (9), Block One (1), Perron Place, subject to an easement for driveway purposes over the North 20 feet thereof.
Abstract Property

AND ALSO
Lot Six (6) in Block Three (3), Pilot Knob Heights, according to the recorded plat of said addition on file in the office of the Register of Deeds in and for said Dakota County, Minnesota.

Torrens Property

Attachment 3 to Application: Conflict of Interest Disclosure
(To be completed by Mayor, Board Chair, or Equivalent)

Conflict of Interest Disclosure

State of Minnesota
Request for Proposals

Instructions: Please return your completed form as part of the Response submittal.

Conflict of Interest Disclosure Form

This form gives applicants and grantees an opportunity to disclose any actual or potential conflicts of interest that may exist when receiving a grant. It is the applicant/grantee's obligation to be familiar with the Office of Grants Management (OGM) Grants Policy 08-01 Conflict of Interest Policy for State Grant-Making (August 2020 Effective Date 1/1/21) and to disclose any conflicts of interest accordingly.

All grant applicants must complete and sign a conflict-of-interest disclosure form.

X I or my grant organization do NOT have an ACTUAL or POTENTIAL conflict of interest.

If at any time after submission of this form, I or my grant organization discover any conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

☐ I or my grant organization have an ACTUAL or POTENTIAL conflict of interest. (*Please describe below*):

If at any time after submission of this form, I or my grant organization discover any additional conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

Printed name: Stephanie B. Levine, Mayor

Signature:

Organization or Local Unit of Government Name: City of Mendota Heights

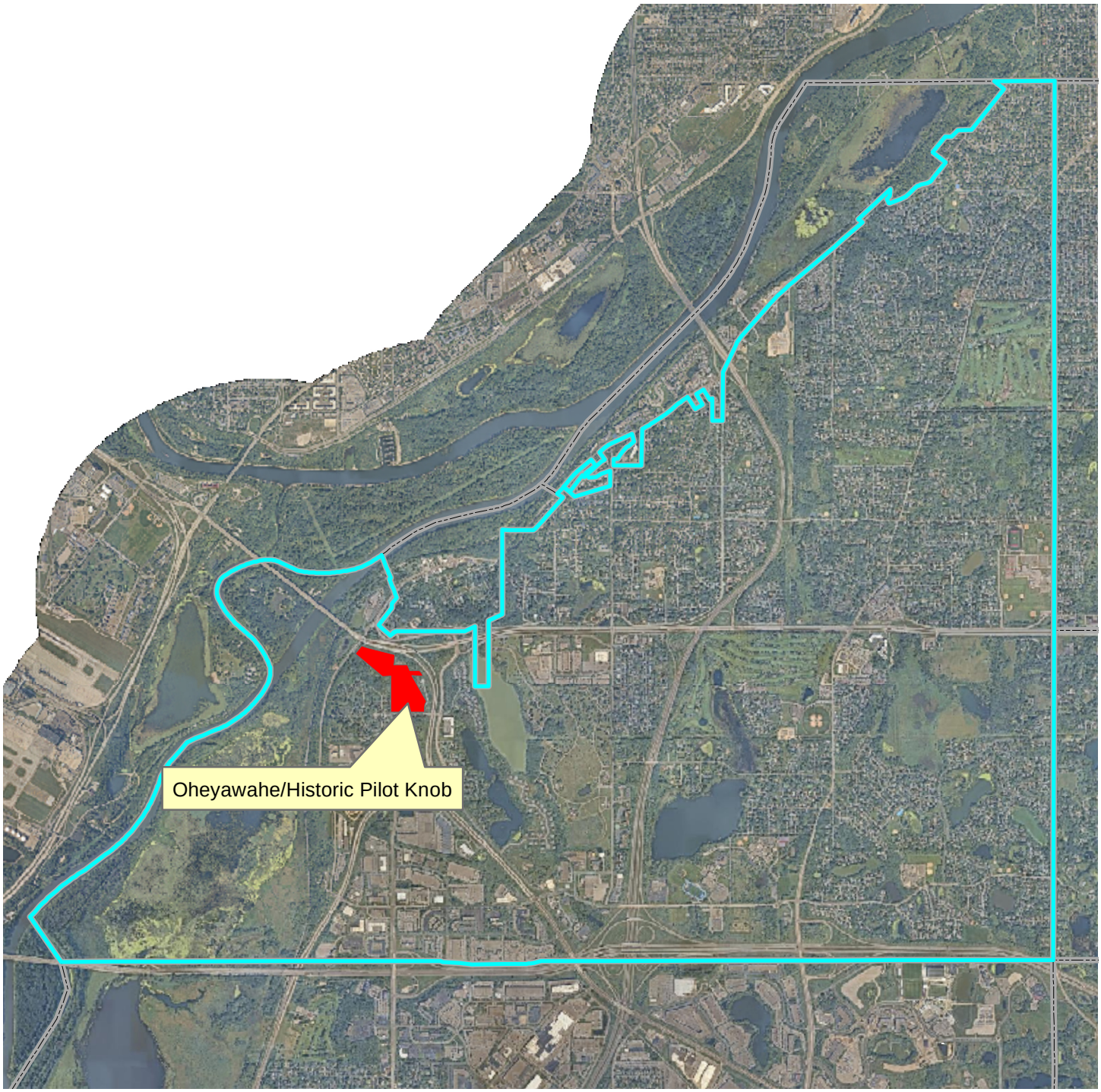
Date: August 6, 2025

City of Mendota Heights
Oheyawahe Location Map

Date: 7/30/2025

0 3,400
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

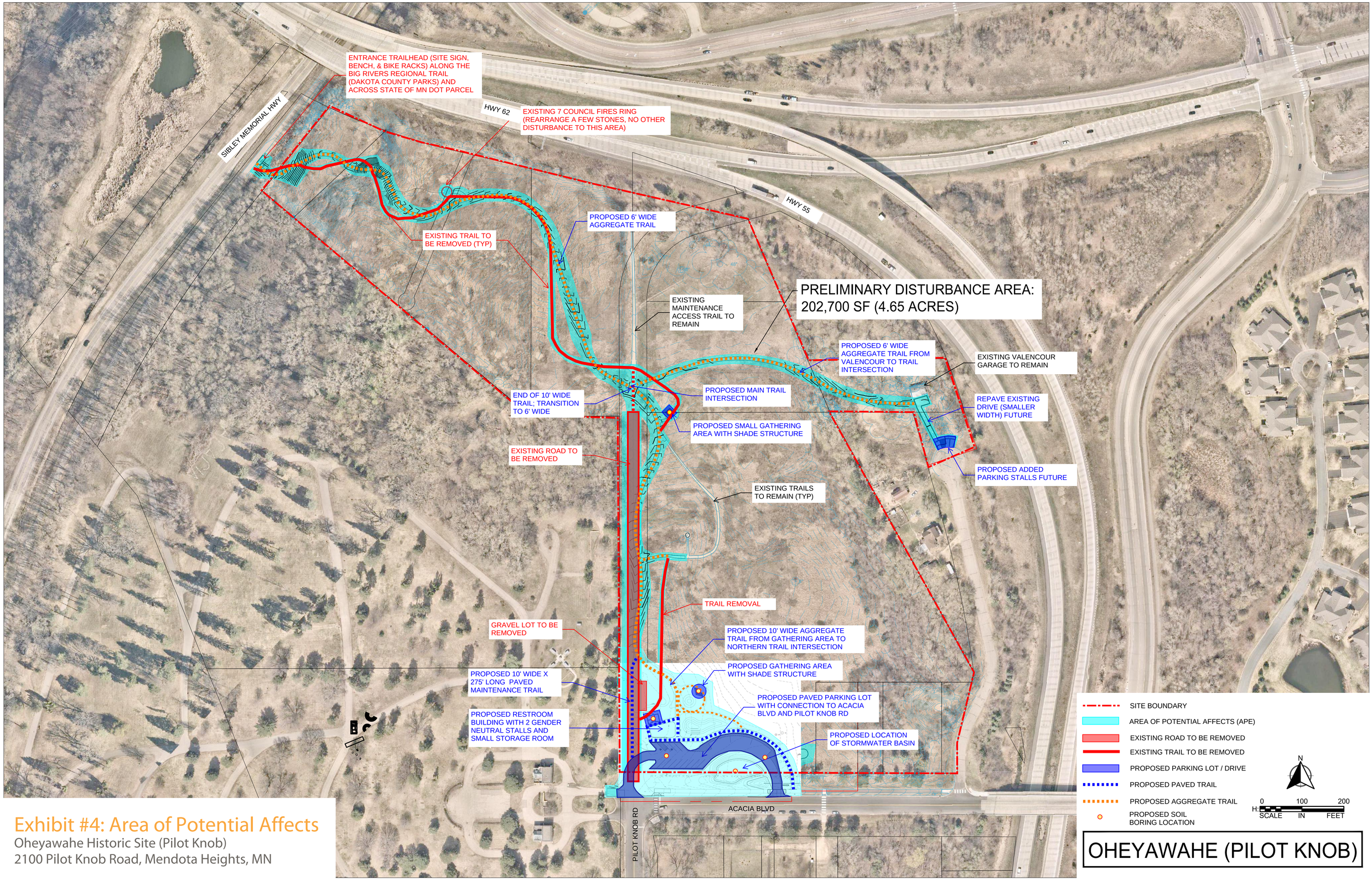
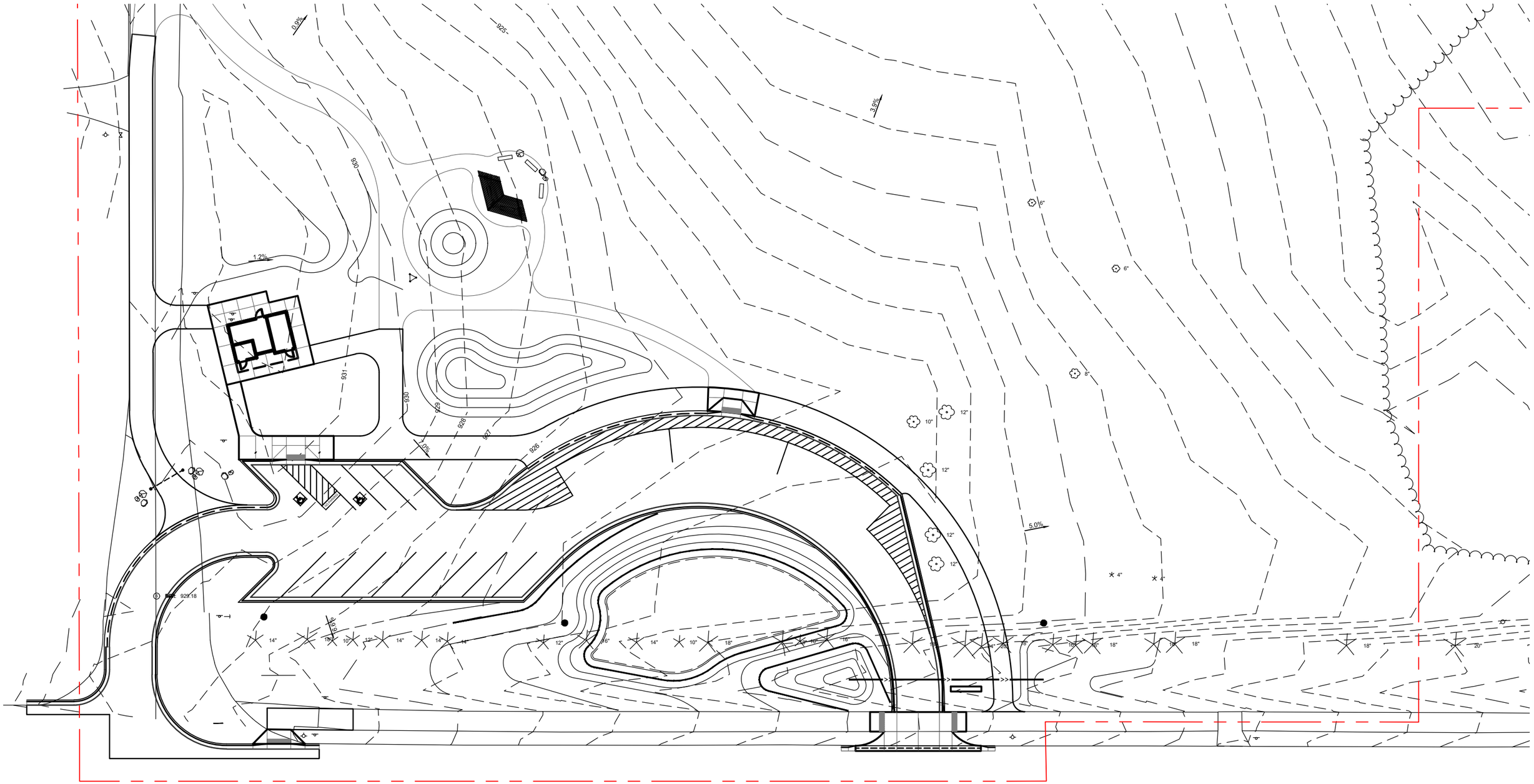


Exhibit #4: Area of Potential Affects

Oheyawahe Historic Site (Pilot Knob)
2100 Pilot Knob Road, Mendota Heights, MN

OHEYAWAHE (PILOT KNOB)

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wsb

WSB PROJECT NO.:
027830-000
MARCH 10, 2025

OHEYAWAHE SITE IMPROVEMENTS
PARKING AREA EXHIBIT
CITY OF MENDOTA HEIGHTS

N

H: 0 20 40
SCALE IN FEET

EXHIBIT
L1

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Oheyawahe Improvements

ESTIMATE OF PROBABLE COSTS FOR CONSTRUCTION

No.	Spec	Item	Units	Quantity	Unit Price	Total Price
PARKING & ENTRY						
		REMOVALS				
1	2101.502	CLEARING & GRUBBING	EA	18	$600.00	$10,800.00
	2104.502	REMOVE SIGNS	EA	5	$50.00	$250.00
	2104.502	SALVAGE & RELOCATE GATE	EA	1	$5,000.00	$5,000.00
	2104.502	SALVAGE & RELOCATE BOULDERS	EA	15	$300.00	$4,500.00
	2104.503	REMOVE FENCE	LF	150	$5.00	$750.00
	2104.503	SAW CUT PAVEMENT (FULL DEPTH)	LF	260	$7.00	$1,820.00
	2104.503	REMOVE CURB & GUTTER	LF	200	$15.00	$3,000.00
	2104.503	REMOVE AGGREGATE TRAIL	LF	415	$2.50	$1,037.50
	2104.518	REMOVE AGGREGATE PARKING	SF	1400	$1.00	$1,400.00
	2104.518	REMOVE PAVEMENTS	SF	7500	$3.00	$22,500.00
		RESTROOM BUILDING				
2	2100.601	RESTROOM BUILDING	LS	1	$390,000.00	$390,000.00
	2503.602	CONNECT TO EXISTING SANITARY SEWER	EA	1	$5,000.00	$5,000.00
	2503.602	4" PVC PIPE DRAIN CLEANOUT (SANITARY)	EA	1	$850.00	$850.00
	2503.603	4" SOLID PVC SDR 35	LF	130	$40.00	$5,200.00
	2504.602	CONNECT TO EXISTING WATERMAIN	EA	1	$3,500.00	$3,500.00
	2504.602	GATE VALVE & BOX	EA	1	$1,800.00	$1,800.00
	2504.602	4" PLUG & BLOWOUT	EA	1	$2,500.00	$2,500.00
	2504.603	4" WATERMAIN DUCTILE IRON PIPE CL 52	LF	140	$125.00	$17,500.00
	2504.608	DUCTILE IRON FITTINGS	LB	10	$50.00	$500.00
	2521.518	6-INCH CONCRETE PAVEMENT (RESTROOM PAD)	SF	1,100	$16.00	$17,600.00
	2545.501	LIGHTING / ELECTRICAL SYSTEM	LS	1	$50,000.00	$50,000.00
		GATHERING AREA				
3	2100.601	SHADE STRUCTURE	LS	1	$250,000.00	$250,000.00
	2108.504	GEOTEXTILE FABRIC TYPE 5	SY	85	$2.00	$170.00
	2118.507	AGGREGATE SURFACING (6")	CY	14	$55.00	$770.00
	2540.602	LOG BENCH	EA	7	$2,500.00	$17,500.00
		PARKING LOT & WALKS/TRAILS				
4	2105.607	SELECT GRANULAR EMBANKMENT (CV)	CY	700	$29.00	$20,300.00
	2106.501	EXCAVATION - COMMON	LS	1	$80,000.00	$80,000.00
	2106.507	ROCK EXCAVATION	CY		$225.00	$0.00
	2106.601	DEWATERING	LS	1	$10,000.00	$10,000.00
	2108.504	GEOTEXTILE FABRIC TYPE 5	SY	2,300	$2.00	$4,600.00
	2360.504	4-INCH BITUMINOUS PARKING W/BASE	SY	2,100	$46.00	$96,600.00
	2360.504	TYPE SP 9.5 BIT MIXTURE FOR PATCHING	SY	50	$32.00	$1,600.00
	2521.518	6-INCH CONCRETE PAVEMENT (WALKS)	SF	3,000	$16.00	$48,000.00
	2521.518	8-INCH CONCRETE APRON	SF	665	$20.00	$13,300.00
	2531.503	CONCRETE CURB & GUTTER DESIGN B618	LF	865	$36.00	$31,140.00
	2531.503	CONCRETE CURB & GUTTER DESIGN D412	LF	200	$38.00	$7,600.00
	2531.618	TRUNCATED DOMES	SF	96	$100.00	$9,600.00
	2540.602	BIKE RACK	EA	1	$1,300.00	$1,300.00
	2563.601	TRAFFIC CONTROL	LS	1	$6,000.00	$6,000.00

No.	Spec	Item	Units	Quantity	Unit Price	Total Price
	2564.602	SIGN PANELS TYPE (ADA)	EA	2	$1,000.00	$2,000.00
	2582.501	PAVEMENT MARKINGS	LS	1	$2,500.00	$2,500.00
		STORMWATER				
5	2501.502	15" RC PIPE APRON W/TRASH GUARD	EA	3	$3,000.00	$9,000.00
	2502.503	4" PERF TP PIPE DRAIN	LF	1,000	$30.00	$30,000.00
	2502.602	4" PVC PIPE DRAIN CLEANOUT (STORM)	EA	3	$650.00	$1,950.00
	2503.503	15" RC PIPE SEWER DES 3006 CLASS III	LF	270	$90.00	$24,300.00
	2503.503	__" ARCH RC PIPE SEWER	LF	60	$120.00	$7,200.00
	2506.602	CONST DRAINAGE STRUCTURE	EA	3	$3,500.00	$10,500.00
	2506.602	OUTLET STRUCTURE	EA	1	$8,500.00	$8,500.00
	2511.607	RANDOM RIPRAP CLASS III	CY	40	$155.00	$6,200.00
	2571.502	HERBACEOUS PLUGS	EA	100	$16.00	$1,600.00
	2574.507	ENGINEERED SOIL (BMP)	CY	255	$100.00	$25,500.00
	2575.504	ROLLED EROSION PREVENTION CAT 25	SY	300	$2.00	$600.00
		TRAILS				
6	2108.504	GEOTEXTILE FABRIC TYPE 5	SY	290	$2.00	$580.00
	2360.504	4-INCH BITUMINOUS TRAIL W/BASE	SY	400	$46.00	$18,400.00
	2118.503	10' WIDE AGGREGATE TRAIL - TYPE 1	LF	218	$12.00	$2,616.00
		LANDSCAPING				
7	2571.502	CONIFEROUS TREE 6' HT B&B	EA	6	$600.00	$3,600.00
	2571.502	DECIDUOUS TREE 10' HT	EA	2	$1,500.00	$3,000.00
	2571.502	DECIDUOUS TREE 2.5" CAL B&B	EA	4	$800.00	$3,200.00
	2571.502	DECIDUOUS TREE 2.0" CAL B&B	EA	4	$650.00	$2,600.00
	2571.502	DECIDUOUS SHRUB 5-GAL CONT	EA	50	$100.00	$5,000.00
	2571.502	HERBACEOUS NO 1 CONT	EA	50	$30.00	$1,500.00
	2575.507	MULCH MATERIAL TYPE 6	CY	20	$120.00	$2,400.00
		EROSION CONTROL				
8	2573.502	STABILIZED CONSTRUCTION EXIT	EA	2	$2,500.00	$5,000.00
	2573.502	INLET PROTECTION	EA	3	$200.00	$600.00
	2573.503	SILT FENCE - TYPE MS	LF	1,000	$3.50	$3,500.00
	2573.503	SEDIMENT CONTROL LOG - TYPE WOOD FIBER	LF	300	$3.50	$1,050.00
		RESTORATION				
9	2575.505	SEEDING TYPE I - TURF MIXTURE	ACRE	0.30	$6,000.00	$1,800.00
	2575.505	SEEDING TYPE II - BASIN MIXTURE	ACRE	0.05	$10,000.00	$500.00
	2575.505	SEEDING TYPE III - UPLAND MIXTURE	ACRE	0.85	$8,000.00	$6,800.00
	2575.505	HYDROMULCH (BFM)	ACRE	1.15	$6,000.00	$6,900.00
		BASE BID SUBTOTAL				**$1,342,883.50**
		SITE MOBILIZATION (5%)				$67,144.18
		PROJECT TOTAL				**$1,410,027.68**

Oheyawahe Improvements

ESTIMATE OF PROBABLE COSTS FOR CONSTRUCTION

No.	Spec	Item	Units	Quantity	Unit Price	Total Price
TRAILS, CENTRAL GATHERING AREA, & TRAILHEAD						
		REMOVALS				
1	2101.502	CLEARING & GRUBBING	EA	2	$600.00	$1,200.00
	2104.505	VEGETATION CLEARING	ACRE	0.75	$8,000.00	$6,000.00
	2104.503	REMOVE AGGREGATE TRAIL	LF	1000	$2.50	$2,500.00
	2104.518	REMOVE PAVEMENTS	SF	34350	$3.00	$103,050.00
		GATHERING AREA				
2	2100.601	SHADE STRUCTURE	LS			$0.00
	2118.507	AGGREGATE SURFACING (6")	CY	12	$55.00	$660.00
	2540.602	LOG BENCH	EA	2	$2,500.00	$5,000.00
		TRAILS				
3	2106.501	EXCAVATION - COMMON	LS	1	$40,000.00	$40,000.00
	2108.504	GEOTEXTILE FABRIC TYPE 5	SY	1,600	$2.00	$3,200.00
	2118.503	10' WIDE AGGREGATE TRAIL - TYPE 1 (8")	LF	700	$12.00	$8,400.00
	2118.503	6' WIDE AGGREGATE TRAIL - TYPE 2 (6")	LF	750	$6.00	$4,500.00
		STABILIZED TRAILS				
4	2106.501	EXCAVATION - COMMON	LS	1	$40,000.00	$40,000.00
	2108.504	GEOTEXTILE FABRIC TYPE 5	SY	533	$2.00	$1,066.00
	2118.503	6' WIDE AGGREGATE TRAIL - TYPE 3 (4"+2")	LF	600	$54.00	$32,400.00
	2501.502	12" PIPE APRON W/TRASH GUARD	EA	6	$3,000.00	$18,000.00
	2503.503	12" HDPE PIPE CULVERT	LF	90	$125.00	$11,250.00
	2511.607	RANDOM RIPRAP CLASS III	CY	18	$155.00	$2,790.00
		TRAILHEAD				
5	2521.518	6-INCH CONCRETE PAVEMENT	SF	200	$16.00	$3,200.00
	2540.602	BENCH	EA	1	$2,500.00	$2,500.00
	2540.602	BIKE RACK	EA	1	$1,300.00	$1,300.00
		LANDSCAPING				
6	2571.502	CONIFEROUS TREE 6' HT B&B	EA	3	$600.00	$1,800.00
	2571.502	DECIDUOUS TREE 10' HT	EA	2	$1,500.00	$3,000.00
	2571.502	DECIDUOUS TREE 2.5" CAL B&B	EA	3	$800.00	$2,400.00
	2571.502	DECIDUOUS TREE 2.0" CAL B&B	EA	2	$650.00	$1,300.00
	2571.502	DECIDUOUS SHRUB 5-GAL CONT	EA	20	$100.00	$2,000.00
	2575.507	MULCH MATERIAL TYPE 6	CY	3	$120.00	$360.00
		EROSION CONTROL				
7	2573.503	SILT FENCE - TYPE MS	LF	150	$3.50	$525.00
	2573.503	SEDIMENT CONTROL LOG - TYPE WOOD FIBER	LF	600	$3.50	$2,100.00
	2575.504	ROLLED EROSION PREVENTION CAT 25	SY	3,500	$2.00	$7,000.00
	2575.504	ROLLED EROSION PREVENTION CAT __	SY	2,000	$10.00	$20,000.00
		RESTORATION				
8	2575.505	SEEDING TYPE I - TURF MIXTURE	ACRE		$6,000.00	$0.00
	2575.505	SEEDING TYPE III - UPLAND MIXTURE	ACRE	2.50	$8,000.00	$20,000.00
	2575.505	SEEDING TYPE IV - LOWLAND MIXTURE	ACRE	0.03	$8,000.00	$240.00
	2575.505	HYDROMULCH (BFM)	ACRE	2.50	$6,000.00	$15,000.00

No.	Spec	Item	Units	Quantity	Unit Price	Total Price
		BASE BID SUBTOTAL				**$362,741.00**
		SITE MOBILIZATION (5%)				$18,137.05
		CONSTRUCTION CONTINGENCY (10%)				$36,274.10
		PROJECT TOTAL				**$417,152.15**

Oheyawahe Improvements

ESTIMATE OF PROBABLE COSTS FOR CONSTRUCTION

No.	Spec	Item	Units	Quantity	Unit Price	Total Price
VALENCOUR TRAIL & IMPROVEMENTS						
		REMOVALS				
1	2101.502	CLEARING & GRUBBING	EA	3	$600.00	$1,800.00
	2104.505	VEGETATION CLEARING	ACRE	0.8	$8,000.00	$6,400.00
	2104.503	SAW CUT PAVEMENT (FULL DEPTH)	LF	10	$7.00	$70.00
	2104.518	REMOVE PAVEMENTS	SF	1500	$3.00	$4,500.00
		PARKING STALLS				
2	2106.501	EXCAVATION - COMMON	LS	0	$20,000.00	$0.00
	2360.504	4-INCH BITUMINOUS PARKING W/BASE	SY	0	$46.00	$0.00
	2521.518	6-INCH CONCRETE PAVEMENT	SF	0	$16.00	$0.00
	2540.602	WHEEL STOPS	EA	0	$2,500.00	$0.00
	2564.602	SIGN PANELS TYPE (ADA)	EACH	0	$1,000.00	$0.00
	2582.501	PAVEMENT MARKINGS	LS	0	$500.00	$0.00
		TRAILS				
3	2106.501	EXCAVATION - COMMON	LS	1	$15,000.00	$15,000.00
	2118.503	6' WIDE AGGREGATE TRAIL - TYPE 1	LF	700	$8.00	$5,600.00
		LANDSCAPING				
4	2571.502	CONIFEROUS TREE 6' HT B&B	EACH	2	$600.00	$1,200.00
	2571.502	DECIDUOUS TREE 2.5" CAL B&B	EACH	3	$800.00	$2,400.00
	2575.507	MULCH MATERIAL TYPE 6	CY	1	$120.00	$120.00
		EROSION CONTROL				
5	2573.503	SEDIMENT CONTROL LOG - TYPE WOOD FIBER	LF	100	$3.50	$350.00
	2575.504	ROLLED EROSION PREVENTION CAT 25	SY	1,000	$2.00	$2,000.00
		RESTORATION				
6	2575.505	SEEDING TYPE I - TURF MIXTURE	ACRE	0.10	$6,000.00	$600.00
	2575.505	SEEDING TYPE III - UPLAND MIXTURE	ACRE	0.40	$8,000.00	$3,200.00
	2575.505	HYDROMULCH (BFM)	ACRE	0.50	$6,000.00	$3,000.00
		BASE BID SUBTOTAL				**$46,240.00**
		SITE MOBILIZATION (5%)				$2,312.00
		PROJECT TOTAL				**$48,552.00**

Project Budget

Proposed activities must match up with legislative language and should include all costs required to complete the project. Complete Tables 1 and 2 below. **Before completing, read the instructions provided. Both contain samples for guidance.**

Table 1

For the Project Activities Column: List separately the components of the project that are eligible items: Capital costs and/or costs assigned in the legislative appropriation. Examples would be predesign, design, and construction elements. List all non-eligible items that are needed for the project as a separate line item. Add rows to the table for more costs as needed.

For Match/Other Funds: Provide the dollar amount for any match and/or other funds that are estimated to be needed to complete the project. Examples - If the legislation mandates a 1:1 match, the DEED funds should be equal to the Match/Other Funds column.

If the total project costs are estimated to exceed the DEED funds and the matching funds, enter the amount of funds that are needed for each line that total the amount needed for the project.

If there is no legislated match for the project, but other funds are needed to complete the estimated project costs, provide those figures in this column as well.

Total Itemized Projected Costs: Make sure that all costs total correctly.

Table 1 – Budget Outline

Project Activities	DEED/SPAP Funds	Match/Other Funds	Total Itemized Projected Cost
Design	$130,000		$130,000
Parking Lot	$400,000		$400,000
Valencour Trail Connection	$40,000		$40,000
Central Trail	$200,000		$200,000
Trail to the Big Rivers Regional Trail	$100,000		$100,000
Parking Lot Sidewalk	$50,000		$50,000
Seven Council Fires Overlook	$5,000		$5,000
Main Gathering Area	$285,000		$285,000
Restroom Facility	$470,000	$50,000	$520,000
Engineering/Architectural Construction Management	$120,000		$120,000
Activities not funded through DEED/SPAP			
Natural Resources City Funds		$41,000	
Big Rivers Regional Trail Connection		$10,000	
Storm Water Utility Funds		$144,000	
Sewer/Water Utility Funds		$44,000	
Total Costs	**$1,800,000**	**$289,000**	**$2,089,000**

Table 2:

Instructions

Lists all eligible activity items from Table 1 in the first column of Table 2. Eligible items are identified in the legislative language. Leave non-eligible items out of Table 2. Lists sources individually, whether those funds are committed, and the dollar amount assigned for each source in the second column. Per the sample below, outline the committed status of funds in the third column. If not yet committed, outline how they will be committed. Attach more comments to outline commitment, if necessary.

Finally, in the fourth column, assign the dollar amount of costs assigned to the source that corresponds with that row. Add rows as necessary.

Table 2

Eligible Activity from Table 1	**Source of Funds from Table 1 above**	**Funds Committed? Yes or No**	**Dollars assigned to source**
Design	DEED/SPAP	Yes – Legislative Appropriation	$130,000
Parking Lot	DEED/SPAP	Yes – Legislative Appropriation	$400,000
Valencour Trail Connection	DEED/SPAP	Yes – Legislative Appropriation	$40,000
Central Trail	DEED/SPAP	Yes – Legislative Appropriation	$200,000
Trail to Big Rivers Regional Trail	DEED/SPAP	Yes – Legislative Appropriation	$100,000
Parking Lot Sidewalk	DEED/SPAP	Yes – Legislative Appropriation	$50,000
Seven Council Fires Overlook	DEED/SPAP	Yes – Legislative Appropriation	$5,000
Main Gathering Area	DEED/SPAP	Yes – Legislative Appropriation	$285,000
Restroom Facility	DEED/SPAP	Yes – Legislative Appropriation	$520,000
Restroom Facility	City General Fund	Yes – In approved Budget	$50,000
Engineering/Architectural Construction Management	DEED/SPAP	Yes – Legislative Appropriation	$120,000
Activities not funded through DEED/SPAP (Natural Resources County Collaboration	City General Fund County General Fund	No – Pending Adopted Budget	$289,000
Totals			$2,089,000

Project Timeline

Activity	Finish mm/yy
Site control (if necessary)	N/A
All funding (non-DEED funds) for project secured and in place	08/25
Declaration Recorded or Waiver from MMB secured	03/26
All permits in place	03/26
Project out for public bid	03/26
Bid accepted	04/26
Project started	05/26
Project complete	05/27
Project inspected and operational	06/27

(Check the appropriate box for the Real Property and, if applicable, for the Facility.)

Ownership Interest in the Real Property.

[x] Fee simple ownership of the Real Property.

[ ] A Real Property/Facility Lease for the Real Property that complies with the requirements contained in Section 2.06.
(If the term of the Real Property/Facility Lease is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

[ ] An easement for the Real Property that complies with the requirements contained in Section 2.06.
(If the term of the easement is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

Ownership Interest in, if applicable, the Facility.

[ ] Fee simple ownership of the Facility.

[ ] A Real Property/Facility Lease for the Facility that complies with all of the requirements contained in Section 2.06.
(If the term of the Real Property/Facility Lease is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

[x] Not applicable because there is no Facility.

Attachment 2 to Application: Legal Description

Provide the legal description only for the public land footprint on which the property or facility is located.

The following real property located in the County of Dakota, State of Minnesota, legally described as follows:

That part of Huber's Subdivision, St. George Subdivision, and those parts of Lots 25, 26 and 27 Auditor's Subdivision No. 29 according to the recorded plats thereof, Dakota County, Minnesota and that part of the Southeast Quarter of Section 28, Township 28, Range 23, Dakota County, Minnesota described as follows:
Commencing at the Northeast comer of said Southeast Quarter; thence on an assumed bearing of South 00 degrees 38 minutes 23 seconds East, along the East line of said Southeast Quarter a distance of 200.00 feet; thence South 89 degrees 21 minutes 37 seconds West 20.00 feet; thence South 76 degrees 51 minutes 37 seconds West 240.00 feet to the point of beginning; thence North 76 degrees 51 minutes 37 seconds East 240.00 feet; thence North 89 degrees 21 minutes 37 seconds East 20.00 feet to the intersection with the East line of said Southeast Quarter; thence South 00 degrees 38 minutes 23 seconds East along said East line 878.03 feet; thence South 89 degrees 21 minutes 37 seconds West 244.22 feet; thence North 50 degrees 27 minutes 27 seconds West 835.63 feet to the intersection with the Southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 38 degrees 14 minutes 29 seconds East 475.86 feet along said right-of-way to the line of intersection with the Northerly line of Huber's Subdivision; thence South 78 degrees 31 minutes 23 seconds East 337.22 feet along the Northerly line of Huber's Subdivision and St. George Subdivision to the intersection with a line drawn on a bearing of North 00 degrees 38 minutes 23 seconds West, parallel with the East line of said Southeast Quarter, from the point of beginning; thence South 00 degrees 38 minutes 23 seconds East along said parallel line 12.75 feet to the point of beginning.
Dakota County, Minnesota
Abstract and Torrens Property

The Torrens portion of the property is described as follows:

The Northeasterly 25 feet of Lot 7 and all of Lot 8 of St. George Subdivision, except that part of Lot 8 of St. George Subdivision of Section 28, Township 28, Range 23, which lies within a distance of 60 feet Southeasterly of the Northwesterly boundary of said Lot 8 and between two parallel lines consisting of the Northeasterly boundary of Said Lot 8 extended Southeasterly and a line 190 feet Southwesterly of the said Northeasterly boundary and the extension of said Northeasterly boundary Southeasterly, also excepting the rights of the State of Minnesota for S.T.H. No. 55, according to the recorded plat thereof on file and of record in the office of the Register of Deeds within and for Dakota County, Minnesota.

AND
That part of the Southeast Quarter of Section 28, Township 28, Range 23, Dakota County, Minnesota, described as follows:
Commencing at the Northeast comer of said Southeast Quarter; thence on an assumed bearing of South 00 Degrees 38 Minutes 23 seconds East, along the East line of said Southeast Quarter a distance of 200.00 feet to the point of beginning; thence South 89 Degrees 21 Minutes 37 Seconds West 20.00 feet; thence South 76 Degrees 51 Minutes 37 Seconds West 240.00 feet; thence South 00 Degrees 38 Minutes 23 Seconds East parallel with the East line of said Southeast Quarter, 814.00 feet; thence North 88 Degrees 20 Minutes 11 Seconds East 254.35 feet to a point on the

East line of said Southeast Quarter, said point being 861.40 feet South of the point of beginning, as measured along the East line of said Southeast Quarter; thence North 00 Degrees 38 Minutes 23 Seconds West along said East line, 861.40 feet to the point of beginning.

AND ALSO
Lot 1, Block 1, Acacia Park East Addition, according to the recorded plat and situate in Dakota County, Minnesota, except Parcel 247C as depicted on Minnesota Department of Transportation Right of Way Plats 19-98, 19-99 and 19-110.
Abstract Property

AND ALSO
The South 217 feet of Lot Seven (7), Block One (1) Perron Place, except the East 40 feet thereof, together with an easement for driveway purposes over the North 20 feet of the South 217 feet of Lot Nine (9), Lot Eight (8) and the East 40 feet of Lot Seven (7), all in Block One (1) Perron Place.
Abstract Property

AND ALSO
The South 217 feet of East 40 feet of Lot Seven (7); and the South 217 feet of Lot Eight (8), Block One (1), Perron Place.

Together with an easement over the North 20 feet of the South 217 feet of Lot Nine (9), Block One (1) of Perron Place.
Abstract Property

AND ALSO
The South 217 feet of Lot Nine (9), Block One (1), Perron Place, subject to an easement for driveway purposes over the North 20 feet thereof.
Abstract Property

AND ALSO
Lot Six (6) in Block Three (3), Pilot Knob Heights, according to the recorded plat of said addition on file in the office of the Register of Deeds in and for said Dakota County, Minnesota.

Torrens Property

Attachment 3 to Application: Conflict of Interest Disclosure
(To be completed by Mayor, Board Chair, or Equivalent)

Conflict of Interest Disclosure

State of Minnesota
Request for Proposals

Instructions: Please return your completed form as part of the Response submittal.

Conflict of Interest Disclosure Form

This form gives applicants and grantees an opportunity to disclose any actual or potential conflicts of interest that may exist when receiving a grant. It is the applicant/grantee's obligation to be familiar with the Office of Grants Management (OGM) Grants Policy 08-01 Conflict of Interest Policy for State Grant-Making (August 2020 Effective Date 1/1/21) and to disclose any conflicts of interest accordingly.

All grant applicants must complete and sign a conflict-of-interest disclosure form.

X I or my grant organization do NOT have an ACTUAL or POTENTIAL conflict of interest.

If at any time after submission of this form, I or my grant organization discover any conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

☐ I or my grant organization have an ACTUAL or POTENTIAL conflict of interest. (*Please describe below*):

If at any time after submission of this form, I or my grant organization discover any additional conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

Printed name: Stephanie B. Levine, Mayor

Signature:

Organization or Local Unit of Government Name: City of Mendota Heights

Date: August 6, 2025

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-45

RESOLUTION APPROVING SPECIAL APPROPRIATION APPLICATION

BE IT RESOLVED that the City of Mendota Heights act as the legal sponsor for the project contained in House File 1950/Senate File 2011 entitled Oheyawahe/Pilot Knob.

BE IT FURTHER RESOLVED that the City of Mendota Heights has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the development proposal are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Mendota Heights has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its development proposal by the state, the City of Mendota Heights may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Mendota Heights certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

BE IT FURTHER RESOLVED that the non-DEED source of funds identified in the sources and uses outline in the application total the amount of $289,000 and are committed and adequate to fully fund or provide the match for the project identified in the application.

BE IT FURTHER RESOLVED that any source of the Applicant's fund to fully fund the project shall be from the General Fund account which has an adequate amount of funds to cover the commitment.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Mendota Heights.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Mendota Heights on August 6, 2025.

Adopted by the City Council of the City of Mendota Heights this sixth day of August, 2025.

SIGNED:

_____
Stephanie B. Levine

_____
Mayor Date

WITNESSED:

_____
Nancy Bauer

_____
City Clerk Date

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Tabled - Resolution 2025-36 Approving a Preliminary Plat of McMillan Estates to subdivide three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels owned in common. (Planning Case 2025-03)

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Community Development **CONTACT:** Sarah Madden, Community Development Manager

ACTION REQUEST:
Adopt Resolution 2025-36 Approving a Preliminary Plat of McMillan Estates.

BACKGROUND:
This application was presented to the City Council at their July 1, 2025 Regular City Council meeting. The City Council discussed the wetland impacts from the potential driveway locations, the conditions added by the Planning Commission in their recommendation, and construction impacts on the surrounding area, as noted by public comments received and neighboring property owner concerns. Following their discussion and deliberation, the City Council voted unanimously (5-0) to table the application to the August 6 meeting and directed staff to work with the applicant to schedule a neighborhood meeting and provide an opportunity for the residents to discuss the application and the recommended conditions of approval. The neighborhood meeting was held on July 17, and 18 residents were in attendance. Staff were also in attendance to answer any technical questions about the application and City Code, and Mayor Levine and Councilor Maczko attended to listen to the conversation. Key discussion points during the neighborhood meeting were:

- Nearby residents are concerned with tree protection on site and on their own properties from construction activities
- Potential alternatives to development on Lot 6, possibly through a park dedication requirement or other measures were brought up
- Residents within the existing cul-de-sac are concerned with the reconstruction of their roadway and its impact on safety, and construction truck traffic
- The applicant provided additional details on the surveyed trees on the property, including those on the south property line
- Residents are concerned that the application review process does not take their

concerns into account

APPLICATION DETAILS:

The applicant, Spencer McMillan, is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The subject site consists of 16.63 acres of combined land across three separate parcels. The primary property addressed as 1707 Delaware Avenue is an unplatted parcel consisting of 10.06 acres, measuring 329.18-ft. in width along Delaware Avenue to the east. This parcel contains an existing single-family home. The remaining two parcels are known as Outlot A and B of Grappendorf Addition, which was approved in 1984. The two Outlots are situated at the end of Ridgewood Drive and consist of 4.5 acres (Outlot A) and 2 acres (Outlot B). Both outlots are vacant.

The residential property and the two vacant parcels are all owned in common by Mr. McMillan, who resides at the addressed parcel in the existing single-family home. The proposed plat is titled McMillan Estates and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record. The resulting subdivision would, if approved, allow for the construction of five (5) new single-family homes. There are not any anticipated developments or improvements on the proposed Lot 4, which contains the existing home.

The Applicant/Owner submitted a previous application in 2024, known as Planning Case No. 2024-01, which subdivided the subject site into three new lots of record. The Planning Commission reviewed that application at public hearings in March-June of 2024, and the City Council reviewed the application at their regular meetings in July-August, 2024. The City Council was not supportive of the applicant's previous request to defer public improvements. Ultimately, the applicant withdrew the prior application in order to resubmit with greater detail and required information to the City relating to the construction of the cul-de-sac extension of Ridgewood Drive.

In order to establish the required 125-foot of frontage on a city-approved street for new platted lots in an R-E District, the applicant is proposing to dedicate 38,158 s.f. (.88 acres) of right-of-way extending north from the existing Ridgewood Drive right-of-way. The dedicated right-of-way would allow for the construction of an extension northward of Ridgewood Drive into the proposed subdivision, ending in a new cul-de-sac bulb. The street extension would be required to be constructed prior to the construction of any of the new single-family homes, and the work would include the removal of the existing cul-de-sac on Ridgewood Drive, to be replaced with a straight street extension. Additionally, 19,751 s.f. (.45 acres) of right-of-way is proposed to be dedicated along Delaware Avenue, to accommodate Dakota County's request for 60-ft of half right-of-way.

The applicant has also submitted a new Joint Water Resources Application to the City to request approval of wetland impacts associated with this development. The administration and

enforcement of any WCA Permit, including the Notice of Decision, is designated as the responsibility of the Natural Resources Coordinator and is not subject to City Council review. There is an existing Wetland Delineation Report, dated 06/22/2021, which was reviewed and approved by the City in September 2021 and is valid for five years. The Joint Water Resources Application is required under the Wetland Conservation Act (WCA), and is requesting exemption from wetland mitigation or replacement under the de minimis standard, as the applicant is proposing impacts to wetlands totaling 2,178 sq-ft, the maximum allowed under the de minimus exemption rule of the WCA. The City must act on the Joint Water Resources Application by August 19, 2025, under the 60-day rule. The deadline for this Planning Case 2025-03 is also August 19, and any further extension of the application review period will require the written consent of the applicant.

The application under review as part of this planning case is solely for the subdivision to be known as McMillan Estates, as outlined in the applicant's proposal and Preliminary Plat documents attached to this report. If the Preliminary Plat is approved by the City Council and there are not any significant changes to the Final Plat from their approval, then the Final Plat will be reviewed at a later date by the City Council.

The proposed Preliminary Plat and preliminary plans provided by the applicant illustrate outlines of potential building areas on Lots 1, 2, 3, 5, and 6. In reviewing these outlined layouts, setbacks to front, side, and rear lot lines can be met due to the large acreage on all parcels. The building pad sites and associated driveway access points shown on the plans are potential, and final house locations, driveway alignments, individual grading plans and impacts, and construction-level architectural plans for the homes, will be provided at the time of building permit for home construction following approval of this subdivision and construction of the public roadway and utility improvements. The proposed lots each meet or exceed the minimum of 125' of lot width on a City-approved street, and they exceed the minimum lot size requirements of 30,000 SF. The applicant's revised plans under this current Planning Case application have illustrated an intent to comply with the City's Subdivision Code by providing adequate extension of utilities into the dedicated right-of-way and a construction plan for all required public improvements, including the street extension.

The Planning Commission held a public hearing on this application request at their May 27, 2025, regular meeting, following a presentation of the staff report. Nine residents spoke at the public hearing. Written public comments have also been received for this item and were included as an attachment to the May 27 and June 24 Planning Commission Reports. Some of the public comments were received as part of the open comment period for the WCA Joint Water Resources Application, and those comments were included in the total number of public comments, as many referenced the subdivision request. As of the submittal of this City Council report, there were nine instances of written public comments, and an additional letter to the City Council written by the applicant. All correspondence received prior to July 31 at 2:00pm has been included in this agenda packet. Any additional comments received following the publication of the packet will be provided to the City Council during the August 6th meeting.

Following the verbal comments provided at the May 27 public hearing, the hearing was closed, and the Planning Commission discussed the application among themselves and asked questions of staff. The Commission inquired about the WCA process, the Comprehensive Plan policies that apply to this application request, and the Urban Forest Preservation Ordinance. Following their discussion, the Commission voted unanimously (6-0) to table the application request. The application was reviewed again at the June 24, 2025, Planning Commission meeting. Staff provided an update to the Commission on items that they had previously discussed and had questions about. The Commission continued to discuss the McMillan Estates application and asked additional questions of staff. The discussion included the Comprehensive Plan language about the 'superblock' area, the easement dedication for utility purposes which is illustrated at the north boundary of the plat, the timing of the application review period for this planning case and the wetland impacts application's decision, and tree protection standards that would apply to this application. The Commission also commented on public comments received and how they could be addressed through the conditions attached to the Preliminary Plat as proposed by staff. An excerpt from the approved meeting minutes of the May 27 Planning Commission meeting have been included as an attachment to this report, as well as an additional excerpt from the draft/unapproved minutes of the June 24 Planning Commission meeting.

A copy of the 6/24/2025 planning report is attached to this memo. As noted in the attachment, staff recommended approval of the Preliminary Plat with conditions. Ultimately, the Planning Commission determined that two additional conditions should be added to the recommendation to the City Council in addition to the 14 conditions recommended by staff, referencing a desire to see the northern utility easement dedicated as right-of-way, and requiring additional tree damage mitigation for trees on neighboring properties. Following their discussion, the Planning Commission voted unanimously (7-0) to recommend to the City Council approval of the Preliminary Plat, with certain conditions and findings-of-fact recommended by staff and two additional conditions:

15. *There must be a 60-foot right-of-way dedicated to the north boundary of the plat.*
16. *An attempt must be made to mitigate tree damage to adjacent properties.*

RECOMMENDATION:
City Staff has included language modifying the two added conditions as outlined in the attached [draft] Resolution. The modified language is intended to be consistent with the intent of the Planning Commission's discussion and vote, adding clarity and specificity to the conditions' language. The City Council may affirm the recommendation from the Planning Commission by adopting Resolution No. 2025-36 as presented by staff.

If the City Council chooses, they may also direct staff to return the language of conditions #15-16 to the language recorded in the minutes and listed above, as recommended by the Planning Commission. Staff does not recommend the inclusion of Condition #15, as City Code Section 11-3-3.A.1 notes that cul-de-sacs are a listed exception to the requirement for streets to connect with existing streets or to provide for a future connection to adjoining unsubdivided tracts.

FISCAL AND RESOURCE IMPACT:

Condition #9 of Resolution 2025-36 calls for a park dedication fee payment of $24,000. This fee is to be provided into the Special Parks Fund.

ATTACHMENTS:

1. Resolution 2025-36 Approving the Preliminary Plat of McMillan Estates Located at 1707 Delaware Avenue and the Adjacent Vacant Outlots (Planing Case No. 2025-03)
2. Approved Planning Commission Minutes 5-27-25
3. Unapproved Planning Commission Minutes 6-24-25
4. June 24 2025 Planning Commission Staff Report
5. Additional Public Comments Received as of 7-31
6. Applicant Letter on Right of Way Condition for McMillan Estates, Case No. 2025-03 6-26-25
7. MnDOT Standard Specifications for Construction - Specification 2572
8. Approved City Council Minutes 7-1-25
9. McMillan Estates Amended Tree Survey impacts to 1760 Ridgewood Drive

CITY COUNCIL PRIORITY:

Economic Vitality & Community Vibrancy, Premier Public Services & Infrastructure

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-36

RESOLUTION APPROVING THE PRELIMINARY PLAT OF MCMILLAN ESTATES LOCATED AT 1707 DELAWARE AVENUE AND THE ADJACENT VACANT OUTLOTS (PLANNING CASE NO. 2025-03)

WHEREAS, Spencer McMillan (the "Applicant" and "Owner") submitted under Planning Application Case No. 2025-03, a request of a new subdivision plat to be titled **McMillan Estates**, for the properties located at 1707 Delaware Avenue and the adjoining vacant outlots, identified as Outlots A and B, Grappendorf Addition (the "Subject Property"), and legally described in attached **Exhibit A;** and

WHEREAS, the subject property is guided RR-Rural Residential in the 2040 Comprehensive Plan and is situated in the R-E Residential Estate district; and

WHEREAS, Title 11-1-1 of the City Code (Subdivision Regulations) allows the subdivision of properties, provided the resulting lots are compliant with the requirements of the applicable zoning district; and

WHEREAS, the requested subdivision would encompass three (3) existing parcels of land from the Subject Property to create six (6) single family lots on the Subject Property resulting in five (5) new buildable single family lots, and which also provides for the dedication of new right-of-way extending the cul-de-sac of Ridgewood Drive to provide access for the new buildable lots, the dedication of additional right-of-way along Delaware Avenue for Dakota County, and dedication of drainage and utility easements throughout the plat and over delineated wetlands; and

WHEREAS, on May 27, 2025, the Mendota Heights Planning Commission opened, held, and closed a public hearing on the application request at their regular meeting, and whereupon receiving the presented staff report and hearing testimony from nine (9) residents on the application, the Planning Commission recommended unanimously to table the requested subdivision plat application to June 24, 2025; and

WHEREAS, on June 24, 2025, the tabled application was presented by staff with follow-up on discussion items from the prior meeting, and following discussion on this item and the agreement to include two additional conditions of approval, the Planning Commission recommended 7-0 to approve the requested Preliminary Plat application on the Subject Property; and

WHEREAS, on July 1, 2025, the Mendota Heights City Council held a regular meeting to discuss action on Planning Case 2025-03, and after receiving the staff report discussed the subdivision and the recommended conditions, and following their discussion and deliberation voted to table this matter to the August 6, 2024 meeting, allowing for additional time for staff and the applicant to schedule a neighborhood meeting to discuss the application and recommended conditions; and

WHEREAS, on July 17, 2025 a neighborhood meeting was held and the applicant and nearby residents discussed the Subject Property, the details of the proposed subdivision, and the recommended conditions as presented in the staff report; and

NOW, THEREFORE, BE IT RESOLVED by the Mendota Heights City Council that the recommendation from the Planning Commission on Planning Case No. 2025-03 is hereby affirmed, and the proposed Preliminary Plat of MCMILLAN ESTATES may be approved based on the following findings-of-fact:

1. The proposed Preliminary Plat meets the purpose and intent of the Subdivision Ordinance.

2. The proposed Preliminary Plat request meets the purpose and intent of the City Code and is consistent with and supported by a number of goals and policy statements in the 2040 Comprehensive Plan.

3. The proposed lots will meet the minimum standards required under the R-E Residential Estate Zoning District.

BE IT FURTHER RESOLVED, by the Mendota Heights City Council that the Preliminary Plat of MCMILLAN ESTATES is hereby approved, with the following conditions:

1. The preliminary plans presented under this plat request do not represent or provide approval of building pad sites, setbacks, accessory structures, or driveway alignments. Final layouts must meet R-E Zone standards and shall be approved under separate building permits for each lot.

2. A building permit, including all new grading and drainage work, must be approved by the City prior to any new construction work.

3. The Developer/Applicant shall submit final grading and utility plans and a dimensioned site plan with associated easements, subject to review and approval by the Planning Department and Engineering Department as part of any building permit application.

4. All new construction and grading activities throughout this development site and on each new buildable lot shall be in compliance with all applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document.

5. Stormwater Management shall be managed for the entire development and dedicated in a utility easement as part of the Final Plat. Stormwater management for water quality management shall not be deferred to the individual single-family home lots.

6. Public utility easement locations, including easements for stormwater management facilities and Best Management Practices (BMP) area(S) must be established, approved by the City, and included in the Final Plat prior to release of the Final Plat for recording with Dakota County.

7. All wetland impacts shall be in compliance with the applicable federal, state, and local regulations and codes, including Title 12-Zoning, Section 12-4A-4: Wetland Requirements and Title 15-Environmental Standards, Chapter 4: Wetland Conservation.

8. The Forest Management Plan shall be updated to include the replacement of tree removal impacts, in accordance with Title 15-Environmental Standards, Chapter 3: Urban Forest reservation. An attempt must be made to mitigate tree removal impacts on site prior to providing an alternative tree replacement measure to the City.

9. In lieu of land dedication, the Developer/Applicant shall pay a park dedication fee in the amount of $4,000 per unit (6 lots = 6 x $4,000/unit, or $24,000) is to be collected after City

Council approval and before the Final Plat is released for recording with Dakota County, and before the issuance of any permits.

10. Any new or existing sanitary or water service lines must be reviewed by the Public Works Director and/or St. Paul Regional Water Services prior to issuance of any building permit.

11. The Applicant/Developer must provide a Best Management Practices (Stormwater Management) Agreement to the City as part of the building permit submittal and review process for each new home and new impervious surface.

12. A Development Agreement for the public improvements and utilities shall be executed to the satisfaction of the City Council before the Final Plat is released for recording with Dakota County, and before the issuance of any permits.

13. The Applicant/Developer shall install all public improvements, including the extension of the public street identified on the Plat as Ridgewood Drive and the necessary utility installations, in compliance with all City requirements, prior to the application of any building permit for private construction or improvements within the Plat.

14. The existing cul-de-sac "bulb" of the existing Ridgewood Drive must be removed and reconstructed to City street standards prior to applying for any building permit for private construction or improvements within the Plat.

15. The Applicant/Developer shall revise the Preliminary Plat to provide dedicated Right-of-Way at 60-ft in width extending north of the proposed new Ridgewood Drive cul-de-sac bulb to the north boundary of the plat. This area shall be dedicated Right-of-Way rather than an easement for utilities, and is not required to be constructed as a street extension stub with this Development.

16. The Applicant/Developer must incorporate tree protection measures into the Forest Management Plan for the site, and an attempt must be made to mitigate tree damage to adjacent properties through the use of protection measures in accordance with MnDOT Standard Specifications for Construction, Specification #2572 and additional measures such as deep mulching if root pruning or root compaction cannot be avoided during the construction phase of this Development.

Adopted by the City Council of the City of Mendota Heights on this 6TH day of August, 2025.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

Drafted by: City of Mendota Heights
1101 Victoria Curve
Mendota Heights, MN 55118

EXHIBIT A

Legal Description:

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

PLANNING COMMISSION MINUTES
MAY 27, 2025

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, May 27, 2025, in the Council Chambers at City Hall, 1101 Victoria Curve, at 7:00 P.M.

The following Commissioners were present: Acting Chair Patrick Corbett, Commissioners Cindy Johnson (arrived at 7:20 p.m.), Brian Udell, Jason Stone, Jeff Nath, and Steve Goldade. Those absent: Chair Litton Field.

Election of Planning Commission Vice Chair for 2025

Acting Chair Corbett commented that he appreciated that the item was tabled at the last meeting in his absence. He stated that while he has enjoyed serving as Vice Chair for the last few years, he would gladly provide the opportunity to someone else to serve.

Commissioner Stone volunteered to serve.

ACTING CHAIR CORBETT MOVED, SECONDED BY COMMISSIONER GOLDADE, TO ELECT JASON STONE AS VICE CHAIR FOR 2025.

AYES: 5
NAYS: 0

Approval of Agenda

The agenda was approved as submitted.

Approval of March 31, 2025 Minutes

COMMISSIONER GOLDADE MOVED, SECONDED BY COMMISSIONER NATH, TO APPROVE THE MINUTES OF MARCH 31, 2025.

AYES: 5
NAYS: 0

Hearings

A) PLANNING CASE 2025-03 SPENCER MCMILLAN, 1707 DELAWARE AVENUE AND ADJACENT VACANT PARCELS – PRELIMINARY PLAT

Community Development Manager Sarah Madden explained that the applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and two vacant parcels are all owned by Spencer McMillan, the applicant. The proposed plat is entitled McMillan Estates, and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

Hearing notices were published and mailed to all properties within 350-ft. of the site; seven written comments were provided in the packet, along with two additional written comments provided at the dais.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Commissioner Johnson arrived.

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked for more details on the decision timeline related to the Wetland Conservation Act (WCA).

Community Development Manager Sarah Madden reiterated that the decision is still pending while that review is completed and confirmed that the related condition of approval would address that item.

Acting Chair Corbett stated that much of the feedback received from residents was related to the potential wetland impacts. He clarified that is being reviewed under a separate application and is not part of the discussion tonight.

Community Development Manager Sarah Madden confirmed that is a separate application. She noted that there was a public comment period for the wetland request, which is why many of the comments were related to that topic.

Acting Chair Corbett asked if there is a limit on the amount of wetland that can be impacted without replacement.

Community Development Manager Sarah Madden confirmed that is true.

Acting Chair Corbett stated that while it appears the applicant's request would be just under that maximum disturbance threshold, the narrative also mentions that additional wetland impacts may occur by each lot in the future, and asked for more information.

Community Development Manager Sarah Madden replied that the applicant is requesting the full amount allowed under a de minimis request. She stated that if there were future wetland impacts

as the individual home lots are created, they would need to come forward with new wetland applications, as there would not be any further exemptions allowed.

Acting Chair Corbett commented that he would not want to see three of these lots become unbuildable because of wetland impacts, but it seems that each lot would be buildable as proposed. He also asked for details on who makes the decision related to wetlands and impacts.

Community Development Manager Sarah Madden commented that wetlands two and three are adjacent to the potential driveways and, therefore, those wetland impacts had been accounted for. She explained that staff reviews an exemption request under the WCA Ordinance within the City Code.

Commissioner Stone asked who would pay for the utility connections, roadways, fire hydrants, and stormwater management.

Community Development Manager Sarah Madden replied that the developer/applicant would be responsible for the public improvements associated with the project. She commented that following construction and inspection, the City would take over management of those improvements.

Commissioner Stone asked the definition of a heritage tree.

Natural Resources Coordinator Krista Spreiter replied that a significant tree is six inches or greater, while a heritage tree is 24 inches or greater. She commented that there is more than one heritage tree, but only one is proposed for removal.

Commissioner Stone asked how the residents in the area were made aware that the wetland process was separate from this public hearing.

Natural Resources Coordinator Krista Spreiter replied that the WCA process does not have a notice requirement unless those property owners requested notification. She stated that anyone who expressed interest in this matter ahead of time was sent notice.

Commissioner Stone recognized that many residents in that area are interested in the wetlands portion of the request and asked if they were not notified.

Natural Resources Coordinator Krista Spreiter replied that the WAC notice is only done by request, but it is public information. She stated that the public comment period for the WCA ended on May 13th.

Commissioner Udell referenced draft condition 14 and asked for clarification on the order of operations.

Community Development Manager Sarah Madden explained that the street construction and utility installation would be the first step, and as part of that, the applicant would be required to remove the existing cul-de-sac to create a straight street.

Acting Chair Corbett asked if the additional land that is no longer used for the road would be dedicated to the neighbors.

Community Development Manager Sarah Madden replied that the land is not automatically vacated as right-of-way. She stated that if the neighbors wanted to request the right-of-way to be vacated, they would need to make that separate request to the City.

Commissioner Goldade referenced the culvert that would be placed and asked if that water is from Hidden Creek.

Public Works Director Ryan Ruzek replied that staff refer to that drainageway as Marie Creek. He noted that Hidden Creek does not actually exist as it is groundwater.

Commissioner Goldade asked who would document the conditions of the creek over time.

Public Works Director Ryan Ruzek explained the path the water flows prior to reaching this point, noting the water goes through pipes throughout that process until Nature Way, where it goes through a 36-inch culvert.

Commissioner Goldade asked if that is taken into account as part of the wetland application.

Public Works Director Ryan Ruzek commented that there is a stormwater management report, which is in a preliminary stage. He stated that the City is currently objecting to the current stormwater design and is requiring the water to be managed publicly rather than requiring treatment to be provided on individual lots.

Commissioner Stone asked if the City has approved the stormwater management plan.

Public Works Director Ryan Ruzek commented that the Commission is reviewing the plat at this time, and the draft conditions would need to be corrected before a final plat application would be considered.

Commissioner Stone asked if it would make sense for the City to approve that element before the Commission makes its decision.

Public Works Director Ryan Ruzek commented that any approval of the Commission would be contingent upon meeting all the conditions as drafted prior to final plat. He commented that those issues do not need to be resolved prior to preliminary plat.

Acting Chair Corbett asked if the culvert and stormwater management would be part of the wetland decision.

Public Works Director Ryan Ruzek replied that the WCA application only looks at the potential wetland impacts. He commented that the City will review the overall hydrology and stormwater management separately from the WCA request.

Community Development Manager Sarah Madden commented that the culvert construction is included in one of the potential wetland impacts because of the impact that construction would have on the wetland. She stated that the condition related to stormwater management was included for the applicant to address prior to final plat.

Acting Chair Corbett referenced lot six and asked for clarification related to the easement and setback.

Community Development Manager Sarah Madden explained that the driveway is five feet from the property line, which does meet the driveway setback. She stated that the easement width is 15 feet in that location, and therefore, the driveway will be within an easement.

Public Works Director Ryan Ruzek commented that the setback is met, and driveways are allowed within drainage and utility easements.

Acting Chair Corbett stated that it seems like there is bad language within the cul-de-sac ordinance and asked whether that could be addressed or cleaned up, as it seems unenforceable.

Community Development Manager Sarah Madden commented that the language "shall not normally" exists several times in the subdivision ordinance, and perhaps the original intent was to allow flexibility. She stated that staff will be looking at all the subdivision ordinance language with the City Attorney as a separate project, noting that will come before the Planning Commission at a later time. She noted that this request must then be considered under the current ordinance language.

Acting Chair Corbett asked why the language is included if it is not enforceable.

Community Development Manager Sarah Madden stated that it is assumed that the intent is related to turnaround access for a fire truck and related to safety. She stated that the Fire Marshall did review the request and has no concerns with the length or plan as currently drawn.

Acting Chair Corbett opened the public hearing.

Spencer McMillan, applicant, thanked staff for working with him over the past 18 months. He stated that he was told during the first round of review that there cannot be additional wetland impacts after the WCA plan is approved, and everything proposed must occur all at once.

Natural Resources Coordinator Krista Spreiter stated that a future property owner could come in and request a replacement plan, but could not request further exemptions.

Paul Pontinen, 1760 Ridgewood Drive, commented that they share a 320-foot boundary with lot six and therefore have concerns. He wanted a more accurate count of the significant and heritage trees along their property lines, so he measured the trees himself last week. He reported 18 significant trees and six heritage trees. He noted that he did not measure the trees or bushes under six inches, and also did not measure on the McMillan property. He provided information on the

critical root zone for trees and wanted to ensure that the trees, and their root zones, for his property and on the property line would be protected. He was concerned that the potential driveway for lot six could impact the critical root zone for those trees.

Acting Chair Corbett commented that he was unsure where the driveway could be moved by 40 feet, but appreciated the concern.

John Weikert, 1737 Delaware Avenue, stated that his concern is also related to lot six. He asked why anyone would want to put a home on the lowest, wettest, steepest, most environmentally sensitive portion of the property. He proposed that lot six be eliminated and that land be added to one of the other lots. He noted that the other lots have more desirable building areas, and removing lot six would remove a lot of the problems. He stated that area of the property often floods and was unsure why anyone would want to build on that area. He stated that if the City approves this, he believed the City would be setting itself up for problems in the future.

Kris Fischer, 1775 Ridgewood Drive, was unsure of the measurements from Marie Avenue to the proposed new end of Ridgewood Drive and asked if there are any comparable cul-de-sac lengths in the community.

Sean Fahnhorst, 1767 Ridgewood Drive, stated that two years ago, the City introduced a living streets policy that promised engagement with the stakeholders in the design of all streets, and commented that the process did not occur for this project.

Commissioner Goldade asked the resident to share the three commonsense proposals that he included in his email.

Mr. Fahnhorst reviewed his suggestions related to the living streets questionnaire, onsite mitigation for tree replacement should be required, and there should be a no net loss requirement for the wetlands. He commented that the wetland on this property also goes onto all of the adjacent properties, and he did not want to see impacts on any property as a result of this action. He asked the recourse that adjacent properties would have if the changes on this property causes flooding of another home as a result of this development.

Commissioner Johnson asked the document the resident found the no net loss for wetlands.

Mr. Fahnhorst replied that he did not have that information with him but could follow up with an email.

Jonathan Deering, 1759 Ridgewood Drive, commented that his property is south of proposed lot one. He asked for clarification on the proposed routing of the road. He stated that it was mentioned that Ridgewood Drive would be the only access point. He asked if there was consideration made to provide access from Delaware to reduce the wetland impacts and concerns with the cul-de-sac length. He referenced the Orchard Heights case and stated that Judge did not rule against City Code, but found that the variance was met, therefore, he did not believe a Judge would rule against City Code. He stated that routing was approved because they were attempting to avoid wetland impacts. He referenced the intent to develop the Super Block 21 and stated that this could create

a cul-de-sac that is a full city block. He acknowledged the validity of the wetland delineation, but commented that if the date were seven days later, it would no longer be valid. He stated that delineation is as small as it would ever be, noting the dry conditions when it was completed.

Susan Micevych, 1778 Ridgewood Drive, stated that a few years ago, there was a variance requested to build a stadium at Sibley Memorial High School, which brought forward concerns from this neighborhood because of the impacts. She felt that the neighborhood is being placed in a similar situation where it will face impacts. She noted that it took several years to mitigate the noise concerns from the stadium. She asked why this would be approved now if additional wetland impacts are anticipated and would be pushed on future property owners. She asked the Commission to delay the decision until more information is made available. She believed that their property values would be impacted by the construction process and the addition of six homes in the area. She asked who would be responsible for redoing the cul-de-sac and how it would be landscaped. She also noted the increased traffic that would come down the cul-de-sac and how that could increase further if it were extended to Foxwood Lane in the future. She was unaware that the wetland report had to be requested and therefore requested that the eight homes on Ridgewood be provided with that report.

Jill Lipset, 1770 Ridgewood Drive, commented that she just moved to her property two months ago and therefore is still learning and appreciates the input that has been provided by her neighbors. She commented that she previously lived on Dodd Road and moved to her property to have more privacy, which would be impacted by the additional lots and construction. She asked for information on the length and phasing of construction. She stated that lot six would be most impactful to her property and seems to stick out as a sore thumb. She agreed that the lot should be removed.

Jim Kolar, 1695 Delaware, stated that he has appeared before this Commission many times related to requests for the development of this property. He noted that this proposal is significantly different than the previous proposal from Mr. McMillan and this creates a much denser development. He stated that he has supported the requests for development that have been presented for this property with the stipulation that his interests not be adversely harmed nor his property become landlocked, whether intentionally or unintentionally. He stated that he has repeatedly asked the Commission and Council to take a comprehensive approach to the planning of the Super Block, which has not occurred, as he would remain the sole 10-acre owner if this proposal is approved. He stated that he is generally supportive of the request, and while he appreciated that the utility easement would be extended for both water and sewer, he would also want a similar 60-foot nub from the cul-de-sac towards his property. He stated that without that, he would be limited in the potential development of his property. He believed that Ridgewood provided foresight for development that he should be granted as well. He noted that the stub provided by Ridgewood provides access for the McMillan property, and he is asked for the same. He stated that he agreed with the five-acre lots previously proposed for the McMillan property but noted that this is a much denser proposal. He asked that the Commission think forward to allow future development to the north. He stated that the back acreage of his property could accommodate the development of four to five lots and could provide additional opportunity for the Bader property. He stated that if the access that was provided to the McMillans is similarly provided to him, he would then provide similar connectivity to the Bader property. He stated that

if a comprehensive approach is taken, a better public safety solution could be provided, noting that a fire gate could be installed in the future for emergency access at Foxwood.

Acting Chair Corbett asked if the resident has concerns with more density as proposed.

Mr. Kolar replied that he will match whatever density there is of the surrounding development. He stated that in the previous proposal, he would have matched a five-acre lot, but with this density proposed, he would expect to match that as well. He stated that he is not interested in developing in the near future, but does not want to be landlocked.

Max Lipset, 1770 Ridgewood, echoed the comments his wife made related to a desire for privacy. He commented that the neighbors have been extremely welcoming to them as they joined the community. He referenced the renaming of the High School to Two Rivers and believed that wetlands near a school with that name should be preserved. He asked about the impacts that this development would have on the wildlife in the area. He asked if there has been a comprehensive study on potential endangered species that could be going through the property. He commented that he has known Mr. McMillan since high school and has no ill feelings towards him or his property rights, but also believes that there is value in maintaining the wetland.

Mr. McMillan stated that they have been working on this project for about 16 months and have tried every alternative and option. He noted that there is a giant wall of wetland along Delaware, and therefore, providing access from Delaware would have a much greater impact on the wetland. He commented that there were normal precipitation levels during the wetland delineation, as noted in that report. He disagreed that this is similar to Foxwood, as the road in Foxwood is only 50 feet wide with buildings that do not meet the setback requirements. He commented that there were many variances in that proposal, which did not leave much room for future development. He stated that this plan meets the requirements of the City Code, and the request tonight is related only to the plat request and not the wetland request. He stated that there are 5.5 acres of wetland and he is trying to mitigate the impact to the extent possible, noting that there will be a very small impact that falls below the de minimis.

Seeing no one further coming forward wishing to speak, Acting Chair Corbett asked for a motion to close the public hearing.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER NATH, TO CLOSE THE PUBLIC HEARING.

AYES: 6
NAYS: 0

Commissioner Goldade asked staff to review the implications of the wetland review, the decision tonight, and how those interact.

Community Development Manager Sarah Madden stated that the action tonight is a recommendation from the Commission to the City Council related to the preliminary plat. She stated that the wetland impacts and request for exemption are not the purview of the Planning

Commission. She explained how the WCA review is completed, involving the Technical Evaluation Panel (TEP) and the different agencies involved.

Acting Chair Corbett asked for more information on the living streets policy and whether it should have been followed in this process.

Public Works Director Ryan Ruzek stated that the City developed that policy within the last 12 months. He stated that he reviewed the policy today, and the only element that would seem to apply is that the road width could be reduced. He noted that a narrower roadway could also reduce environmental impacts.

Acting Chair Corbett asked staff for more information on the no net loss policy for wetlands.

Natural Resources Coordinator Krista Spreiter stated that perhaps that is from the Surface Water Management Plan, or a similar document. She stated that it is always the goal of the City to conserve wetlands; however, under WCA, there are impacts allowed for development.

Acting Chair Corbett referenced lot six and the neighboring property. He asked if the placement of that home could be challenged based on a previous decision of the Council that homes should not be placed so far back as to be out of continuity with the neighborhood.

Public Works Director Ryan Ruzek replied that the zoning code has been revised, and the applicant has met the building setback lines. He was unsure if they would need to look at the string lines for lot six, as that is a requirement of R-1, but this is zoned R-E.

Community Development Manager Sarah Madden believed that only applies to R-1, but could find that information prior to the City Council meeting. She also noted the differences in home placement for the adjacent lots.

Acting Chair Corbett stated that it appears that staff finds this request in accord with the Comprehensive Plan.

Community Development Manager Sarah Madden confirmed that to be true.

Commissioner Johnson stated that the Comprehensive Plan speaks of development that does not prohibit or landlock other properties from future development and asked how that would be addressed.

Community Development Manager Sarah Madden stated that the proposal shows an easement extension and that the resident was requesting an extension of the right-of-way as well. She commented that a 60-foot easement width is provided on the current plans, and that condition could be amended to require the 60-foot easement and right-of-way.

Public Works Director Ryan Ruzek commented that a second cul-de-sac could also be added to Delaware to provide access to the northern properties.

Community Development Manager Sarah Madden stated that they did review the option of access from Delaware, but that would require even more wetland impacts along with demolition of the existing home, and therefore, staff found the stub from the Ridgewood Drive cul-de-sac to be the feasible option.

Commissioner Johnson asked how the Tree Preservation Ordinance would relate to the property line of lot six and the proximity to the property line. She stated that perhaps the driveway could curve away from the property line to lessen the impact on the trees.

Community Development Manager Sarah Madden commented that there is a driveway setback from the property line, but there is also a wetland buffer setback requirement that would come into play.

Natural Resources Coordinator Krista Spreiter stated that within the forestry management plan, any trees to be preserved must have protections in place as shown on the plan. She stated that does not address neighboring property trees, but that could be added to the forestry management plan.

ACTING CHAIR CORBETT MOVED, SECONDED BY COMMISSIONER GOLDADE, TO TABLE CASE #2025-03 BASED ON NEW QUESTIONS THAT HAVE COME TO LIGHT, POTENTIAL CONFLICTS WITH THE COMPREHENSIVE PLAN AND THE ABILITY FOR FUTURE DEVELOPMENT, AND THE POSITION OF LOT SIX RELATED TO CONTINUITY IN THE NEIGHBORHOOD BASED ON PREVIOUS RULING OF THE CITY COUNCIL.

Further discussion: Commissioner Goldade stated that he is also interested in knowing the results of the WCA decision before making a decision.

AYES: 6
NAYS: 0

Acting Chair Corbett commented that he will work with staff to address the concerns he brought forward before the Commission revisits this next month.

New and Unfinished Business

B) PLANNING CASE 2025-06
CONDOOR CORPORATION, 2320 LEXINGTON AVENUE – CONCEPT PUD

Community Development Manager Sarah Madden explained that the applicant, Condor Corporation, is seeking a Planned Unit Development – Concept Plan Review for an addition to the Lexington Heights Planned Unit Development located at 2320 Lexington Avenue. The subject site is currently zoned R-3 Multi-Family Residential and was developed as a Planned Unit Development in 1983 for a three-building, 225-unit apartment development. Once a PUD has been approved, it typically serves as a form of zoning category (overlay) on a site, however, the apartment complex properties have remained under the R-3 High Density Residential District since their development, as all current and past zoning maps for the City have identified the sites as R-3 zoning. This does not negate the fact that the City adopted a Resolution for a Conditional Use

EXCERPT FROM DRAFT/UNAPPROVED 6/24/25 PLANNING COMMISSION MINUTES

A) TABLED PLANNING CASE 2025-103, SPENCER MCMILLAN – 1707 DELAWARE AVENUE – PRELIMINARY PLAT

Chair Field noted that he was not present at the last review, and the statement was made that he might have a conflict of interest as he lives in this area. He stated that after a conversation with the City Attorney, it was determined that he does not have a conflict of interest.

Community Development Manager Sarah Madden explained that the applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and the two vacant parcels are all owned by Spencer McMillan, the applicant in this planning case. The proposed plat is titled McMillan Estates, and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

Community Development Director Sarah Madden stated that in 2021, an application was submitted to the City for the subject site (by a different applicant and property owner) with a very similar proposal for subdivision of the existing three parcels into three new lots of record (Planning Case No. 2021-19). That prior application was withdrawn before the public hearing at the Planning Commission. Within the prior applicant's written notice of withdrawal, they indicated that the applicant team was unable to come to an agreement with the seller and property owner regarding a request for dedicated right-of-way along Delaware Avenue for Dakota County. The property sold following this withdrawn application, and the item in this planning case is a separate application by the current applicant and property owner.

Community Development Director Sarah Madden stated that this current property owner and applicant submitted a previous application in 2024, known as Planning Case No. 2024-01, which subdivided the subject site into three new lots of record. The Planning Commission reviewed that application at public hearings from March – June of 2024, and the City Council was not supportive of the applicant's prior request to defer public improvements. Ultimately, the applicant withdrew that prior application in order to resubmit with greater detail and required information to the City relating to the construction of the cul-de-sac extension of Ridgewood Drive.

Community Development Manager Sarah Madden stated that this item was presented under a fully noticed public hearing process on May 27, 2025, and nine residents spoke at that public hearing. Written comments have also been received for this item and are included in the report. As of the submittal of this report, there were seven instances of public comment and have been included in the public comments.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Stone asked if the wetland impacts would not be approved until August 19th.

Community Development Manager Sarah Madden replied that she does not have a specific date that the City will act on that. She stated that the TAC has met and recommended approval.

Commissioner Stone stated that he would prefer to wait until that approval is gained.

Community Development Manager Sarah Madden stated that this is a preliminary plat, and both matters can run concurrently. She stated that one does not have to be approved before the other, and the recommendation on the wetland will be provided to the City Council for consideration. She stated that the City needs to take action on both the preliminary plat and the wetland by August 19th. She stated that tabling this would limit the amount of time the City Council can consider and discuss this item.

Commissioner Stone commented that the majority of concern from the neighborhood is related to building on wetlands.

Commissioner Corbett stated that things can keep moving in parallel, and if the wetland is not approved as recommended, this would not be approved by the City Council. He stated that he would not want to table again, as that would limit the ability of the City Council to have more than one discussion.

Commissioner Stone asked if this decision would be part of the review for the wetland.

Community Development Manager Sarah Madden replied that those are separate applications and reviews, noting that the wetland decision is not based on the proposed preliminary plat recommendation and is instead reviewed under specific criteria and involves other agencies with that type of jurisdiction. She confirmed that the recommendation of the Planning Commission on this case has no bearing on the wetland decision.

Commissioner Corbett asked and received confirmation that the other agencies involved in the wetland review have already recommended approval.

Commissioner Goldade referenced the comments made by a resident at the last meeting related to the Comprehensive Plan and asked if staff believes that there should be a comprehensive plan for the development of this area or whether development can be done piece by piece. He wanted to ensure that the Koehlers could develop their property in the future.

Community Development Manager Sarah Madden replied that the Comprehensive Plan of the City mentioned the R-E properties and the ability for future development if streets and utilities are extended. She stated that residents have stated that they would like an overall plan for all potentially developable properties, but individual property owners have the right to develop their property alone. She stated that the applicant has included the preliminary

easement to the north for utilities, which abuts the Koehler property. She stated that City staff does not recommend that to be dedicated as right-of-way and prefers the easement option.

Commissioner Goldade asked if the tree replacement would be done onsite.

Community Development Manager Sarah Madden stated that there is a related condition recommended that addresses that issue. She stated that an attempt must be made to replace trees onsite prior to providing an alternative replacement measure. She stated that the applicant has stated that not all trees can be replaced onsite, and an arborist would make the determination as to whether it is feasible.

Commissioner Johnson referenced the issue of right-of-way and stated that it is her understanding that the original cul-de-sac did have a right-of-way and not just easements, which allows for Mr. McMillan to extend the cul-de-sac. She commented that if it were just an easement, it is her understanding that the two adjacent property owners could veto the right-of-way that would be needed. She stated that the new cul-de-sac would be 25 feet and would not provide compliant right-of-way; therefore, adjacent property owners could not use that for future development. She believed that a compliant 60-foot right-of-way should be required to allow the northern property owner to develop in the future.

Commissioner Udell stated that there is language in the Comprehensive Plan preventing property from becoming landlocked.

Community Development Manager Sarah Madden replied that the preliminary plat in this application shows a 60-foot-wide easement.

Commissioner Johnson stated that she would prefer to have this as a right-of-way rather than an easement.

Commissioner Corbett agreed it would be reasonable to request that be right-of-way rather than an easement.

Commissioner Udell agreed.

Commissioner Corbett referenced lot six and stated that he would like the City Council to consider whether the omission of that lot would placate the neighborhood, as that one home seems to impact the residents more than the others.

Commissioner Johnson stated that there are forestry requirements to replace trees on the property, but also recognized potential impacts that could occur to trees on adjacent properties if that lot were developed. She stated that there seems to be agreement that the 60-foot right-of-way should be required in place of the easement. She was unsure how to detail the comments related to the potential elimination of lot six and tree impacts.

Commissioner Corbett was unsure of how lot six could be denied, as it would be a preference of the neighborhood and not anything violating ordinance or requiring a variance.

Commissioner Udell agreed with the concern related to the trees on the existing lot adjacent to lot six, but recognized that some of that is speculative. He stated that a tree could die in five years, but that does not necessarily mean it is a result of development.

Commissioner Corbett commented that there are many driveways in the same proximity throughout the city. He stated that if a driveway could not be closer than 40 feet to a big tree, that would be impossible to enforce within the community, and many properties would be out of compliance.

Commissioner Stone commented that it seems there are different concerns members have on this request.

Commissioner Udell stated that, based on the role of the Planning Commission, he appreciates staff following up on the concerns raised at the last meeting. He agreed that the requirement of right-of-way should be included. He recognized that the wetlands review is outside of the purview of the Commission, and everything else complies. He stated that the City Council has more discretion, but the Commission is where it is, as the request meets the requirements.

Commissioner Johnson asked how the language could be worded to ensure protection of the trees on adjacent properties.

Community Development Manager Sarah Madden asked if the Commission simply wants it communicated to the Council, as she can do that in her presentation and within the staff report, or whether they were looking to add another condition. She stated that the urban forest preservation ordinance does not speak to impacts on adjacent properties, and therefore, she would not recommend adding language to that condition. She agreed that it would be broad to just state construction impacts, as that could be dust, noise, or other code enforcement items.

Public Works Director Ryan Ruzek commented that for street projects, they require roots to be treated and sealed. He stated that there would be difficulty in stating that a driveway could not be constructed that meets the City Code.

Commissioner Johnson commented that there will be impacts to those trees on the adjacent property and wanted to ensure that assisting this resident in moving forward does not cause detriment to another resident.

Commissioner Corbett suggested making a new condition stating that an attempt must be made to mitigate damage to trees on adjacent properties.

Community Development Director Sarah Madden stated that if the condition is added, she would recommend language similar to what Public Works Director Ryan Ruzek suggested. She

stated that the procedure for the tree permit does include those protective measures, and it is implied for off-site impacts as well.

Commissioner Johnson stated that, in her opinion, there will be no protection that will help those trees, and she would rather require replacement.

Commissioner Corbett stated that perhaps the applicant would potentially be liable for tree replacement on the adjacent property.

Community Development Manager Sarah Madden noted that would be outside of the scope of authority within preliminary plat. She stated that there may be some wiggle room on where the driveway could be located as long as the property setback of five feet is met, along with the wetland buffer requirement. She stated that a large-scale adjustment could not be made because of the location of the wetland and its required buffer.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER NATH, TO RECOMMEND APPROVAL OF THE APPLICATION OF SPENCER MCMILLAN FOR THE PRELIMINARY PLAT OF A SIX-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS MCMILLAN ESTATES, BASED ON THE FINDINGS OF FACT AS INCLUDED HEREIN, WITH THE FOLLOWING CONDITIONS:

1. *THE PRELIMINARY PLANS PRESENTED UNDER THIS PLAT REQUEST DO NOT REPRESENT OR PROVIDE APPROVAL OF BUILDING PAD SITES, SETBACKS, ACCESSORY STRUCTURES, OR DRIVEWAY ALIGNMENTS. FINAL LAYOUTS MUST MEET R-E ZONE STANDARDS AND SHALL BE APPROVED UNDER SEPARATE BUILDING PERMITS FOR EACH LOT.*
2. *A BUILDING PERMIT, INCLUDING ALL NEW GRADING AND DRAINAGE WORK, MUST BE APPROVED BY THE CITY PRIOR TO ANY NEW CONSTRUCTION WORK.*
3. *THE DEVELOPER/APPLICANT SHALL SUBMIT FINAL GRADING AND UTILITY PLANS AND A DIMENSIONED SITE PLAN WITH ASSOCIATED EASEMENTS, SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING DEPARTMENT AND ENGINEERING DEPARTMENT AS PART OF ANY BUILDING PERMIT APPLICATION.*
4. *ALL NEW CONSTRUCTION AND GRADING ACTIVITIES THROUGHOUT THIS DEVELOPMENT SITE AND ON EACH NEW BUILDABLE LOT SHALL BE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY'S LAND DISTURBANCE GUIDANCE DOCUMENT.*
5. *STORMWATER MANAGEMENT SHALL BE MANAGED FOR THE ENTIRE DEVELOPMENT AND DEDICATED IN A UTILITY EASEMENT AS PART OF THE FINAL PLAT. STORMWATER MANAGEMENT FOR WATER QUALITY MANAGEMENT SHALL NOT BE DEFERRED TO THE INDIVIDUAL SINGLE-FAMILY HOME LOTS.*
6. *PUBLIC UTILITY EASEMENT LOCATIONS, INCLUDING EASEMENTS FOR STORMWATER MANAGEMENT FACILITIES AND BEST MANAGEMENT PRACTICES (BMP) AREA(S) MUST BE ESTABLISHED, APPROVED BY THE CITY, AND INCLUDED IN THE FINAL PLAT PRIOR TO RELEASE OF THE FINAL PLAT FOR RECORDING WITH DAKOTA COUNTY.*

7. *ALL WETLAND IMPACTS SHALL BE IN COMPLIANCE WITH THE APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, INCLUDING TITLE 12-ZONING, SECTION 12-4A-4: WETLAND REQUIREMENTS AND TITLE 15-ENVIRONMENTAL STANDARDS, CHAPTER 4: WETLAND CONSERVATION.*
8. *THE FOREST MANAGEMENT PLAN SHALL BE UPDATED TO INCLUDE THE REPLACEMENT OF TREE REMOVAL IMPACTS, IN ACCORDANCE WITH TITLE 15-ENVIRONMENTAL STANDARDS, CHAPTER 3: URBAN FOREST PRESERVATION. AN ATTEMPT MUST BE MADE TO MITIGATE TREE REMOVAL IMPACTS ON SITE PRIOR TO PROVIDING AN ALTERNATIVE TREE REPLACEMENT MEASURE TO THE CITY.*
9. *IN LIEU OF LAND DECIATION, THE DEVELOPER/APPLICANT SHALL PAY A PARK DEDICATION FEE IN THE AMOUNT OF $4,000 PER UNIT (6 LOTS = $4,000/UNIT, OR $24,000) IS TO BE COLLECTED AFTER CITY COUNCIL APPROVAL AND BEFORE THE FINAL PLAT IS RELEASED FOR RECORDING WITH DAKOTA COUNTY, AND BEFORE THE ISSUANCE OF ANY PERMITS.*
10. *ANY NEW OR EXISTING SANITARY OR WATER SERVICE LINES MUST BE REVIEWED BY THE PUBLIC WORKS DIRECTOR AND/OR ST. PAUL REGIONAL WATER SERVICES PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.*
11. *THE APPLICANT/DEVELOPER MUST PROVIDE A BEST MANAGEMENT PRACTICES (STORMWATER MANAGEMENT) AGREEMENT TO THE CITY AS PART OF THE BUILDING PERMIT SUBMITTAL AND REVIEW PROCESS FOR EACH NEW HOME AND NEW IMPERVIOUS SURFACE.*
12. *A DEVELOPMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS AND UTILITIES SHALL BE EXECUTED TO THE SATISFACTION OF THE CITY COUNCIL BEFORE THE FINAL PLAT IS RELEASED FOR RECORDING WITH DAKOTA COUNTY, AND BEFORE THE ISSUANCE OF ANY PERMITS.*
13. *THE APPLICANT/DEVELOPER SHALL INSTALL ALL PUBLIC IMPROVEMENTS, INCLUDING THE EXTENSION OF THE PUBLIC STREET IDENTIFIED ON THE PLAT AT RIDGEWOOD DRIVE AND THE NECESSARY UTILITY INSTALLATIONS, IN COMPLIANCE WITH ALL CITY REQUIREMENTS, PRIOR TO THE APPLICATION OF ANY BUILDING PERMIT FOR PRIVATE CONSTRUCTION OR IMPROVEMENTS WITHIN THE PLAT.*
14. *THE EXISTING CUL-DE-SAC "BULB" OF THE EXISTING RIDGEWOOD DRIVE MUST BE REMOVED AND RECONSTRUCTED TO CITY STREET STANDARDS PRIOR TO APPLYING FOR ANY BUILDING PERMIT FOR PRIVATE CONSTRUCTION OR IMPROVEMENTS WITHIN THE PLAT.*
15. *THERE MUST BE A 60-FOOT RIGHT-OF-WAY DEDICATED TO THE NORTH BOUNDARY OF THE PLAT.*
16. *AN ATTEMPT MUST BE MADE TO MITIGATE TREE DAMAGE TO ADJACENT PROPERTIES.*

Further discussion: Commissioner Corbett asked that the Council consider lot six and whether it could be eliminated, and the Commission agreed.

Chair Field commented that this is a much more intense development than what was considered earlier this year, and he would have preferred the previous development proposal. He recognized that there is no way this could be denied because it meets all requirements.

Commissioner Corbett commented that the previous application had more errors and therefore did not conform with the City Code.

Chair Field commented that the previous application would have been better for the neighbors, noting that he agrees with the right-of-way requirement to support the preservation of development rights for the Koehlers.

Commissioner Goldade stated that if he were to vote with his heart, he would vote no, but recognizes that is not his job and the request meets all requirements. He believed that the Commission has done its job in ensuring that all requirements are met.

Commissioner Johnson agreed that it is the job of the Commission to ensure consistency with ordinances and the Comprehensive Plan and to protect the rights of those looking to develop and residents surrounding the subject property.

AYES: 7
NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

Planning Commission

Meeting Date:	June 24, 2025		
Agenda Item:	**Tabled - CASE No. 2025-03 Preliminary Plat** Application of Spencer McMillan for a Preliminary Plat of three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels.		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
The applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and the two vacant parcels are all owned by Spencer McMillan, the applicant in this Planning Case. The proposed plat is titled McMillan Estates and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

In 2021, an application was submitted to the City for the subject site (by a different applicant and property owner) with a very similar proposal for subdivision of the existing three parcels into three new lots of record (Planning Case No. 2021-19). That prior application was withdrawn before the public hearing at the Planning Commission. Within the prior applicant's written notice of withdrawal, they indicated that the applicant team was unable to come to an agreement with the Seller and property owner regarding a request for dedicated right-of-way along Delaware Avenue for Dakota County. The property sold following this withdrawn application, and the item in this planning case is a separate application by the current applicant and property owner.

This current property owner and applicant submitted a previous application in 2024, known as Planning Case No. 2024-01, which subdivided the subject site into three new lots of record. The Planning Commission reviewed that application at public hearings in March-June of 2024, and the City Council reviewed the application at their regular meetings in July-August, 2024. The City Council was not supportive of the applicant's prior request to defer public improvements. Ultimately, the applicant withdrew the prior application in order to re-submit with greater detail and required information to the City relating to the construction of the cul-de-sac extension of Ridgewood Drive.

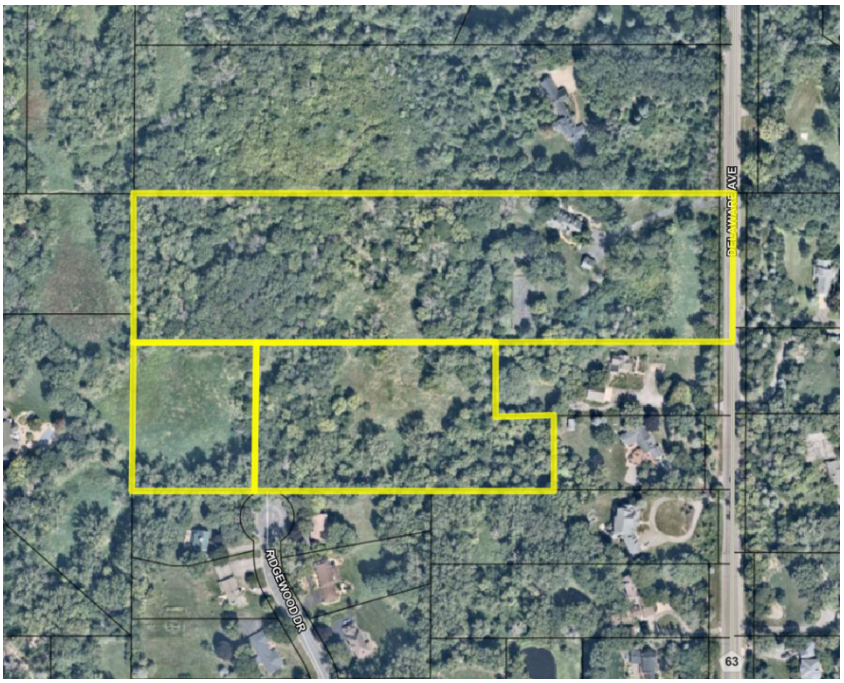
This item was presented under a fully noticed public hearing process on May 27, 2025, with notices published in the Pioneer Press newspaper and notice letters mailed to all owners within 350-feet of the subject parcels.

Nine residents spoke at the public hearing. Written public comments have also been received for this item and are included as an attachment to this report. As of the submittal of this report,

there were seven instances of public comment. Some of these public comments were received as part of submitted comments on the Wetland Conservation Act (WCA) Joint Water Resources Application. Those comments have been included in the total instances of public comments. Any additional comments received prior to the meeting will be provided to the Planning Commission and made part of the public record.

Following the verbal comments provided at the May 27th public hearing, the hearing was closed, and the Planning Commission discussed the application amongst themselves and asked questions of staff. The Commission inquired about the Wetland Conservation Act (WCA) process, the Comprehensive Plan policies that apply to this application request, and the Urban Forest Preservation Ordinance. Following their discussion, the Commission voted 6-0 to table the application request.

Background:



The subject site consists of 16.63 acres of combined land across three separate parcels (*see aerial image – right*). The primary property addressed as 1707 Delaware Avenue is a long, rectangular, unplatted parcel consisting of 10.06 acres, measuring 329.18-ft. in width along Delaware Avenue to the east. This parcel contains an existing single-family home. The remaining two parcels are known as Outlots A and B of Grappendorf Addition, which was approved in 1984. The two Outlots are situated at the end of Ridgewood Drive and consist of 4.5 acres (Outlot A) and 2 acres (Outlot B). Both outlots are vacant.

The proposed subdivision requested by the applicant will dedicate new right-of-way for an extension of Ridgewood Avenue, ending in a new cul-de-sac, and create six new lots of record from these parcels. Lots 1, 2, 3, 5, and 6 are intended to be platted for future development of new single-family homes. The proposed Lot 4 would remain as the applicant's residence but would be subdivided into a smaller parcel.

In order to establish the required 125-foot of frontage on a city approved street for new platted lots in an R-E District, the applicant is proposing to dedicate 38,158 s.f. (.88 acres) of right-of-way extending north from the existing Ridgewood Drive right-of-way. The dedicated right-of-way would allow for the construction of an extension northward of Ridgewood Drive into the proposed subdivision, ending in a new cul-de-sac bulb. The street extension would be required to be constructed prior to the construction of any of the new single-family homes, and the work would include the removal of the existing cul-de-sac on Ridgewood Drive, to be replaced with a straight street extension. More information on this design will be provided in the Analysis section of this report. Additionally, 19,751 s.f. (.45 acres) of right-of-way is proposed to be dedicated along Delaware Avenue, to accommodate Dakota County's request

for 60-ft of half right-of-way.

A large portion of the subject site is encumbered by wetlands. Prior to this application, the previous property owner hired an environmental specialist to study, identify, and map out these wetlands on the property; an official Wetland Delineation Report dated 06/22/2021 was submitted to the City for review and was later accepted by the City Council on September 9, 2021. This report is valid for five years. The wetland impacts proposed under that prior application are no longer applicable to the site. The applicant has concurrently submitted a new Joint Water Resources Application to the City to request approval of the wetland impacts associated with this development. This topic is discussed in further detail in the Wetland Impacts section of this report.

The application under review as part of this planning case is solely for the subdivision to be known as McMillan Estates, as outlined in the applicant's proposal and Preliminary Plat documents attached to this report. If the Preliminary Plat is approved by the City Council and there are not any significant changes to the Final Plat from their approval, then the Final Plat will be reviewed at a later date by the City Council.

Analysis:

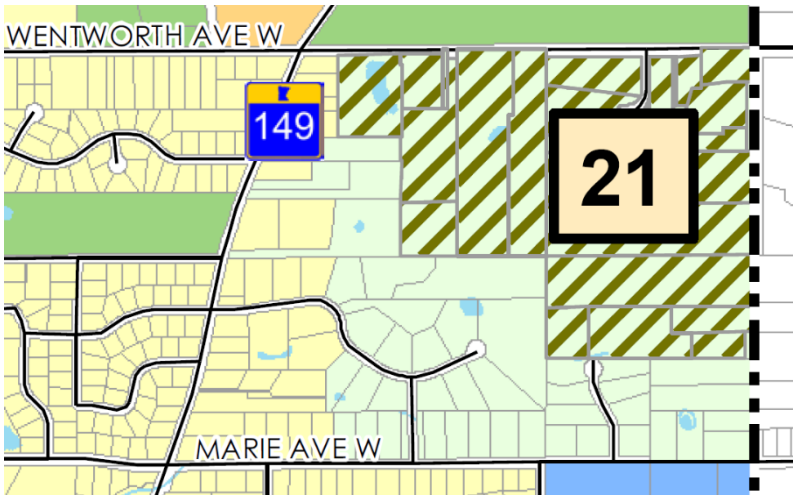
Comprehensive Plan

The subject parcel is guided RR-Rural Residential in the *2040 Comprehensive Plan.* The 2040 Plan includes the following general description for said uses in this land use category:

> ***RR – Rural Residential (0.1 - 1.45 DU/Acre)***
> *This land use is generally located in the east central part of the city. This designation is intended for large lot single-family residences and includes properties with and without city sewer. The Rural Residential areas are planned with a density not to exceed* ***1.45 units per acre****. The corresponding zoning district classification is R-1A (One Family Residential).*

The overall site consists of 16.63 acres, and of that approximately 5.6 acres are encumbered by wetlands, leaving a net acreage value of 11.03 acres. The overall density created by the potential five new residences plus the existing residential unit calculates to a density of 0.54 units/acre, which is within the range outlined within the RR – Rural Residential land use category.

In the 2040 Plan, the city also identified (based upon previous 2030 Plan and others) a number of specific properties in the city that were or are vacant, under-developed, under-utilized or identified as either potential infill or redevelopment areas. These sites or areas are referred to as "Focus Areas". Infill means that the property has the opportunity to develop or redevelop beyond its current level. One of these focus areas is the Somerset Area, or #21 on Map 2-5: Focus Areas with Future Land Use Overlay Map (*see map – Pg. 4*).



21. **Somerset Area:** This area has been referred to as the "Superblock" due to its collection of large residential lots. It consists of over 20 separate parcels on approximately 90 acres located directly south of Somerset Country Club and Golf Course. The area is developed with single-family homes on large lots with private septic systems. The neighborhood is bounded on the east by Delaware Avenue, the north by Wentworth Avenue, and the south and west by smaller single-family lots. The neighborhood contains significant wetlands and woodlands. The area is guided RR - Rural Residential use. Due to the existing large lot configuration, the area has the potential to be further subdivided, provided public sewer, water and road systems would be extended to the area.

Plat Standards

Under Title 11, Subdivision Regulations, the intent and purpose of this section is to "*safeguard the best interests of the city, and to assist the subdivider in harmonizing [their] interests with those of the city at large, this title is adopted in order that adherence to same will bring results beneficial to both parties. It is the purpose of this title to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in Minnesota statutes, which regulations the city council deems necessary for the health, safety and general welfare of this community.*"

City Subdivision Code Section 11-3-2 allows the subdivision of parcels, provided that the resulting lots are compliant with the requirements of the applicable zoning district, and meets the following standards:

A. Lot Area, Width and Depth: The minimum lot area, width and depth shall not be less than that established by the zoning ordinance in effect at the time of adoption of the final plat.

B. Corner Lots: Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning ordinance.

C. Side Lot Lines: Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

D. Lot Frontage: Every lot must have the minimum frontage as required in the zoning ordinance on a city approved street other than an alley.

E. Building Setback: Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Mendota Heights zoning ordinance. On those lots which are intended for business use, the setback shall be at least that required by the zoning ordinance.

For the R-E District, all new lots must have a minimum of 30,000-sf. of lot area. All three lots

significantly exceed the size minimum requirement, as illustrated in the table below.

Proposed Lot 1	158,544 SF	3.64 Acres
Proposed Lot 2	61,652 SF	1.42 Acres
Proposed Lot 3	53,242 SF	1.22 Acres
Proposed Lot 4	153,532 SF	3.52 Acres
Proposed Lot 5	77,002 SF	1.77 Acres
Proposed Lot 6	162,659 SF	3.73 Acres

The proposed Preliminary Plat and preliminary plans provided by the applicant illustrate outlines of potential building areas on Lots 1, 2, 3, 5, and 6. In reviewing these outlined layouts, setbacks to front, side, and rear lot lines can be met due to the large acreage on all parcels.

For the R-E District, all new lots require a minimum of 125-ft of lot width along a city approved street. Lot 4 (existing residence) will maintain its 329+ feet of frontage along Delaware Avenue. The remaining lots are proposed to have frontage and a lot width along the Ridgewood Drive extension of approximately 570-ft, ending in a new constructed cul-de-sac bulb and making the total cul-de-sac length approximately 1,220-ft in length. This dimension of the extension is measured from the existing north curb of the Ridgewood Drive cul-de-sac, to the proposed north curb of the new cul-de-sac. The proposed new single-family lots show compliance with the minimum 125-ft of frontage and lot width on this street and cul-de-sac extension. Lot width is defined as the maximum horizontal distance between the side lot lines of a lot measured within the first 30' of the lot depth. Based on this definition, the proposed Lots 2 and 3 are able to meet the minimum 125-ft lot width standard based on the length of the arc at a 30-ft setback from the proposed cul-de-sac bulb, with the lot width of the proposed Lot 2 measured at 138-ft, and the width of the proposed Lot 3 measured at 126-ft.

Dakota County Review

Because this property fronts on a Dakota County road system (CSAH 63 – Delaware Avenue), this plat requires county review and approval. As mentioned in the “Introduction” section of this report, a previous plat of the subject site was reviewed in 2021, and right-of-way dedication along Delaware Avenue was required by Dakota County at that time. The former application did not move forward and cited the right-of-way dedication as the reason for their withdrawal. The previous iteration of this application was reviewed by the Dakota County Plat Commission in February 2024, and the County is currently reviewing this plat application internally related to the requested and provided right-of-way of 60-ft of half right-of-way, in accordance with their review procedures. The February 2024 memo from the Dakota County Surveyor’s Office is included as an attachment to this report. Dakota County has confirmed that no additional review is required.

Street, Utility and Grading Plan

The applicant has provided a full construction plan set for the grading of the site, as well as street and storm sewer plans, drainage details, and utility plans, attached to this report as Plan Sheets C6-C15.

According to Title 11-3-8-A of the City Code:

Slope Limitations: Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than twenty five percent (25%) in grade.

The staff review of the provided grading and contour elevation markings illustrated on the preliminary plans did not identify any steep slopes or bluffs on the property, or slopes over 25% in the areas where the potential dwellings, or driveways are being proposed. The house locations as

shown on the provided plans are preliminary, and final house locations, grading, and impacts will depend on a final design for the respective houses. These future developments will be evaluated at the time that those applications come forward and will be subject to the City's Zoning Ordinance requirements and any other applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document. A condition has been included in the staff recommendation section of this report which reflects these requirements.

There is an existing 6-inch watermain underneath Ridgewood Drive that was stubbed at the north end of the cul-de-sec roadway. The plans illustrate that the applicant will extend this watermain line into the proposed Ridgewood Drive right-of-way extension, terminating just north of the new proposed cul-de-sac bulb. The santitary sewer line will also be extended from the existing manhole north of the existing Ridgewood Drive cul-de-sac, to a new manhole within the proposed cul-de-sac. The proposed santitary sewer line is 8" within the extended street and will flow by gravity south to connect with the existing manhole and 9" service line installed in the existing Ridgewood Drive cul-de-sac. A new fire hydrant will also be installed in the right-of-way just north of the cul-de-sac extension. The plans show the ability for future service connections to be made into the main line for any future construction of homes on the five new vacant lots.

All new lots will have perimeter drainage and utility easements provided, noted at 5' in width at side and rear lot lines, and 10' in width at front lot lines. The applicant has also provided a wider easement along the southern property line of Lot 6, measuring at 15-ft in width, based on the prior application's recommendations from staff, the Planning Commission, and during the City Council's review, to accommodate appropriate easement width for neighboring properties to petition for sanitary sewer extension to the east, if they so choose. The applicant has also provided a 60-ft utility easement directly north of the new cul-de-sac which could accommodate future utility extension to the north if petitioned by a northern neighboring property owner, or if additional future development north of this development site occurs. This easement area measures approximately 104-ft in length from the northern point of the cul-de-sac right-of-way to the northern edge of this subdivision. Lastly, additional easement width is provided at the shared property line between the proposed Lots 3 and 5, measuring 10-ft on each side, which could accommodate future utility services to 1707 Delaware Ave.

All wetlands will be covered by similar drainage and utility easements, with varying widths. The City's new Zoning Ordinance that went into effect January 1, 2025 references the new Title 15-Environmental Standards and the State of Minnesota Wetland Conservation Act (WCA) rules, but also requires an average buffer depth of 25-ft, with a minimum dimension of 10-ft and a maximum dimension of 50-ft. The applicant has provided a buffer area which meets these requirements, with the shortest dimension of the buffer area located on the proposed Lot 6, where the applicant is proposing 467 SF of wetland impact. The Ordinance does require that any drive aisles must be setback a minimum of 5-ft from any required buffer area, unless otherwise permitted by the Title 15-Environmental Standards. Title 15, Chapter 4: Wetland Conservation permits a Buffer Setback area to be disturbed upon approval of the City. This Wetland Conservation Act (WCA) application is discussed later in this report.

The wetland and wetland buffers' easements, as well as the perimeter drainage and utility easements will be provided and officially dedicated under the final plat approval and recording, if approved.

The building pad sites and associated driveway access points shown on the plans are potential, and final house locations, individual grading plans and impacts, and construction-level architectural plans for the homes, will be provided at the time of building permit for home construction following approval of this subdivision and construction of the public roadway and utility improvements. The proposed driveway of Lot 6 is shown to encroach on the 15-ft drainage and utility easement that the City requested on the south property line during the prior

application's review period. This encroachment will be outlined in the Developer's Agreement between the Applicant/Developer and the City.

The proposed street construction will increase impervious surface by .43 acres overall. An additional acre of impervious surface is estimated for the future home construction improvements. Each of these individual lots will be evaluated for impervious surface requirements at the time of their building permit applications for the new homes. The required maximum impervious surface for the R-E Zoning District is 35%.

The applicant's plans propose that stormwater treatment for individual lot improvements will be provided at the time of construction. The City is not supportive of this request, and staff have provided a condition of approval that the stormwater management not be deferred to the individual single-family lots, and that the City will require stormwater management to be managed for the entire development and dedicated in a utility easement as part of the Final Plat. The single-family lots may be adequate for infiltration at the 1.1 inch BMP requirement, but water quality management would not be feasible for a single homeowner long-term. The stormwater improvements which are currently proposed include an infiltration basin on the proposed Lot 6, just east of the Ridgewood Drive extension. The basin includes a riprap stilling infiltration basin with two inlets, one to the west and one to the south. The applicant plans to seed the filtration basin with MnDot 33-261 seed mixture and to stabilize with appropriate erosion control. The elevations of the basin indicate 12" of planting media with volume for filtration above. The City will require a third-party inspection for compliance with stormwater requirements during construction, which would be outlined in the Developer's Agreement with the City.

Wetland Impacts

The proposed plat identifies a number of large and smaller wetlands throughout the site, which are proposed to be dedicated as drainage and utility easements on the plat. The applicant's plans also indicate a wetland buffer area (illustrated on the plans as hatching around wetlands) which is designed to meet the minimum 25-ft buffer averaging requirement of City Code. The total amount of buffer area which is required for the delineated wetlands on site is 75,504 SF, and the total amount of buffer area which is provided is noted at 75,609 SF. Signs denoting buffer areas will be addressed in the Developer's Agreement with the City.

The Subdivision Title notes that the City shall review the subdivision proposal and design with respect to the limitations presented by wet soils, and that the approval of the subdivision will require an engineering analysis of the delineated areas, and that a permit is required to alter ditches, streams, and associated drainage path. It should be noted that the City Council approved a Joint Water Resources Application for Exemption, submitted by this property's previous Developer/Applicant, on November 3, 2021, whereby approval was granted to remove up to 1,000 SF of wetlands for the driveway and the structure improvements which were proposed at that time.

The extent of the previous structure improvements from the previous property owner's application are not outlined in this planning case. Instead, the applicant is proposing to impact up to 2,170 SF of wetlands for the future driveways and planned Ridgewood Drive extension. The applicant has a new active Joint Water Resources application for exemption under the deminimus rules. Impacts include 1,315 SF of impacts directly north of the existing cul-de-sac, to accommodate the street extension and a culvert which would traverse east-west underneath the street extension connecting the two major wetland areas. Additional wetland impacts of 467 SF are shown on the proposed Lot 6, adjacent to the property's potential driveway. This second impact area, if approved, would add fill to the wetland impact area, which would be altered and presented as the provided wetland buffer area. South of these impacts and designated buffer, the proposed driveway would then be setback approximately 7-ft from the Wetland and Wetland Buffer

alteration, meeting the zoning setback requirements for impervious surface installments such as drive aisles. The remaining wetland impacts are illustrated for driveway impacts on the proposed Lot 5, to accommodate any grading that may be required based on the preliminary building and driveway locations. If any additional wetland impacts are proposed by future property owners, they would be subject to their own future wetland impacts applications under state law. The applicant's Joint Water Resources application under the WCA rules for proposed wetland impacts was submitted to the City in April, and the Notice of Application was sent on April 21, 2025 to the state, regional, and federal regulatory bodies that sit on the required Technical Evaluation Panel (TEP) for WCA rules applications. The comment period for the application ended on May 13, 2025. The City is the Local Government Unit (LGU) for enforcing the WCA rules, and has met with the TEP to evaluate the application and establish recommendations and findings. The members of the TEP are recommending approval of the application. The 60-day decision deadline was June 20th for this WCA application, however based on revised application materials the City extended the review period to August 19, 2025. The administration and enforcement of any WCA Permit, including the Notice of Decision, is designated as the responsibility of the Natural Resources Coordinator and is not subject to City Council review.

On the preliminary plans, the five new home sites will be placed in areas in dry, non-wetland areas of each parcel, according to the wetland mapping provided by Jacobson Environmental on the 2021 Wetland Delineation. The applicant does not have a finalized construction and development plan for homes on any of the proposed new single-family development properties, and those plans are not under the review of the City at this time. If the current Joint Water Resources Application is approved, and no work is conducted prior to the expiration of the Wetland Delineation and Notice of Decision, an updated Joint Water Resources Application for Exemption would need to be filed in accordance with state statute.

Tree Inventory

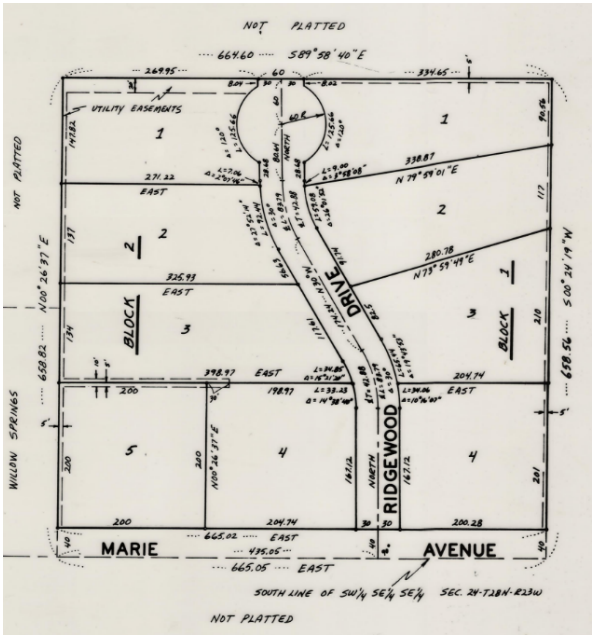
The Developer/Applicant has included a Tree Inventory of the site, which is included as an attachment to this report on Sheets C3-C5. The inventory outlines the species and diameter of the trees within the anticipated development area only, out of approximately 1,900 or more trees which exist on the property today. The anticipated removal of trees is illustrated on the inventory plans which would be removed as part of any construction activities for the street extension and future building and driveway improvements. Final tree impacts on the individual residential lots are to be determined with the full construction and building permit plan sets at the time an application and final site plan design comes forward for review.

The City enacted new requirements in 2025 for a Forest Alteration Permit and Forest Management Plan. The applicant has provided the application materials for a Forest Alteration Permit as part of this subdivision request. The provided Sheet L-101 indicates the tree mitigation plans for the development site. Based on the tables provided by the applicant, 82 trees meeting the definition of a significant or heritage tree are proposed to be removed, amounting to 741 DSH (Diameter at Standard Height). One of the proposed removals is identified as a 'Heritage Tree', meaning it is a native tree, or cultivar of a native tree, which exceeds 24" in diameter. This specific tree to be removed is a 35" Cottonwood tree. Other trees which were in poor condition, were previously removed as part of work prior to the effect of the Urban Forest Preservation Ordinance, and identified Ash trees were removed from forest mitigation plan calculations. 3,774.5 DSH of the remaining surveyed trees are noted to be saved or preserved on the property, including 11 Heritage Trees.

Based on the proposed removals, 555.8 total DSH is required to be replaced. The applicant will also be required to submit a Tree Replacement escrow to the City related to the Forest Management Plan. The applicant is currently proposing to not prepare a replacement landscape plan and has noted their intent to complete an off-site tree replacement agreement with the City.

The applicant cites the difficulty and feasibility of replacing the trees on-site, as the site is fully forested and the cleared areas will be replaced with street improvements. The City is not supportive of the request to not mitigate the removals with any replacement trees. The Urban Forest Preservation ordinance does allow for the City to approve alternative tree replacement measures, including the planning of trees at an alternate site if compliance with the tree replacement requirement is not feasible. City Staff is prepared to work with the applicant to create an alternative tree replacement measure, however the applicant must first attempt to mitigate a portion of the tree replacement on site consecutively with the development. A condition has been added that a Tree Replacement Plan be provided which would illustrate an attempt to comply with tree replacement measures prior to enacting an alternative mitigation plan with the City.

In addition to the requirements of the Urban Forest Preservation Ordinance, all single-family residential uses developed in the City are required to submit a landscaping plan as part of the application for Building Permit indicating the location of existing trees and shrubs, and proposed planting details for new landscape features. A minimum of 25% of the land of each single-family home will be required to be landscaped with grass, ground cover, shrubbery, and trees, and new construction homes are required to plant a minimum of one overstory or deciduous tree per 50-feet of lineal frontage of public street in the front yard of the lot. These required trees may count toward a replacement plan. The landscape plans for each new home will be evaluated at the time of Building Permit for new home construction.

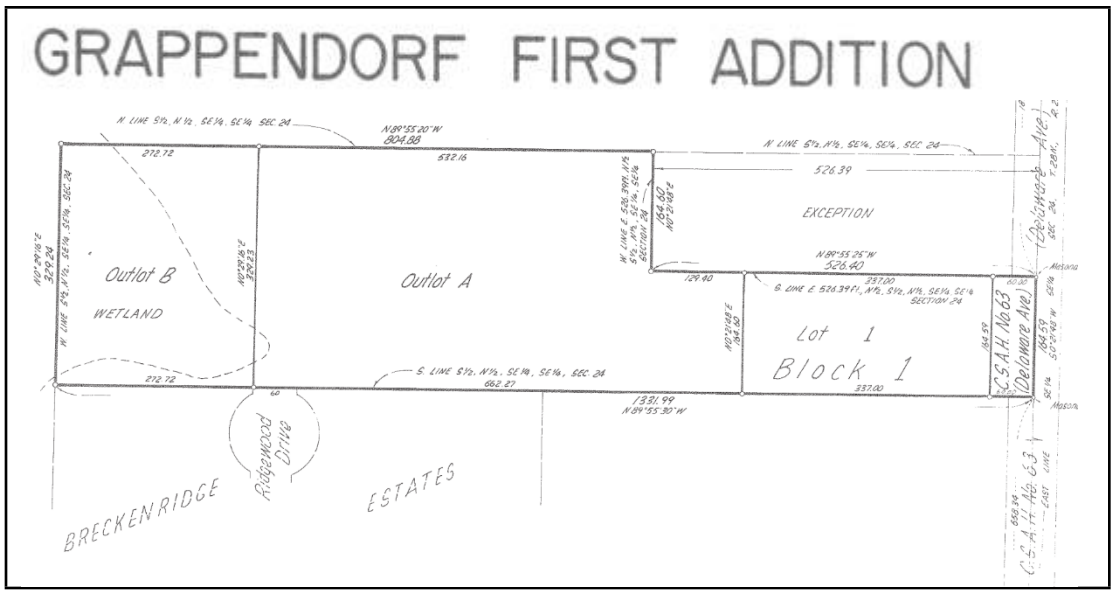


Street Design

City Code Title 11 – General Subdivision Provision provides for all the required standards related to new subdivisions, including streets, utilities, easements, etc. When Breckenridge Estates, the plat to the south of the subject site, was approved in 1969, it contained a variance request to allow lots less than 40,000-sq. ft. in area (required for R-1A district at that time), but did not include any variance or allowance for an over-length cul-de-sac. The plat was presented with the Ridgewood Drive roadway that exists today, and also included a small “nub” extension of 60-ft in width at the top of the road right-of-way circle (*see plat image –left*).

This nub was likely created or called for based on the assumption that the properties to the north could be or would be similarly platted, and any future roadway extension would have likely come off the end of Ridgewood Drive and run northward into these properties. The Subdivision ordinance does require in Section 11-3-3: Streets and Alleys, that a tentative plan of a proposed future street system should be provided when reviewing a new Plat. Specifically, the general requirements provide guidelines for a proposed future street system, and alignment and availability of utilities.

The approved Grappendorf Addition (*see plat image – below*) did not show or provide any plans for extending Ridgewood Drive into the plat or outlots, nor provided any plans for any other roadway inside this plat as well. However, it was noted within the City Council minutes of the review of that Plat application that access and utility extensions were only available to Outlot A from Ridgewood Drive.



Per current City Subdivision Code Section 11-3-3 Streets and Alleys:

1. *3. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision*.

The expectation within the City's review of a subdivision on larger than 'normal' lots or parcels, is that the applicant/developer is responsible for arranging lots and parcels in such a way that would permit future and smaller subdivision of lots, as well as leaving space "open" for a future potential street, and potential future utility connections. This applies to making those connections only on the subject site, and does not specifically address neighboring land owners. The City must evaluate the ability for the new parcels to be subdivided again in the future, and evaluate if the infrastructure planned will be able to accommodate that potential future split. The applicant has provided a subdivision which places potential new single-family homes on the portions of this property that are not encumbered by wetlands, and each lot within the proposed subdivision is able to meet or exceed the required lot size and lot width for the R-E Zoning District. Based on the availability of dry buildable area, staff believes that the proposed lots are likely not able to be subdivided further based on the current requirements of City Code and that the applicant's subdivision request and the layout of building pad sites, street extension, and utility connection complies with this standard.

Under this plat request, the Applicant is seeking to provide an extension of this right-of-way at least 60-ft in width, and approximately 570-ft in length, ending in a new dedicated cul-de-sac bulb. The Developer/Applicant's previous application in 2024 included a request to defer construction of any public improvements which was not supported by the City Council. The prior application was ultimately withdrawn as the applicant intended to come back with an application which complied with the public improvement standards of the Subdivision Ordinance. The current proposal under this Planning Case shows an intent to develop and construct the full street extension to the new cul-de-sac bulb, to re-construct the street segment at the existing cul-de-sac bulb, and to install public utility improvements in the dedicated right-of-way beneath the new street extension.

Ridgewood Drive measures from the point coming off Marie Avenue to the end of the cul-de-sac as 649.58-feet in total length. From earlier [known] records of the City Code, the Subdivision

Code of 1956 indicated "*dead-end streets shall not be longer than 400-feet*…" while the Code of 1975 included: "…*cul-de-sacs shall normally not be longer than 500-feet….*" as seen today in the current Subdivision Code (noted below).

Per current City Subdivision Code Section 11-3-3 Streets and Alleys:

D. Dead End and Cul-De-Sac Streets: Dead end streets are prohibited, but cul-de-sacs will be permitted only where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred feet (500'), including a terminal turnaround which shall be provided at the closed end, with an outside curb radius of at least forty nine feet (49') and a right of way radius of not less than 60-ft.

Some of the commissioners may recall giving consideration to a variance related to a cul-de-sac roadway, which was presented under the Orchard Heights plat in 2017. Under that case, the developers requested a variance to exceed the "normally not longer than 500-ft" standard to allow a new cul-de-sac of 950-feet in length. As part of the report on that case, it was noted that the city allowed a number of other subdivision developments throughout the city with over-length dead end and cul-de-sac streets (approximately 19 at that time); and it was unclear from research if the 500-foot standard was in place at the time of these various plat approvals or developments; or if variances were approved for these separate developments. Nevertheless, the city required the developer to submit and request a variance to exceed this 500-ft. standard, and although the planning commission and city council rejected this variance request, the development (and new roadway) was ultimately allowed by a Dakota County District Court ruling.

In that ruling, it is noted that there was dispute on whether or not a Variance was required for the length of the cul-de-sac, as the City's subdivision ordinance only states that cul-de-sacs "shall normally not" be longer than 500 feet. Existing Minnesota case law states that "Regulatory standards must be sufficiently precise to ensure the application of objective standards to similarly situated property, to adequately inform landowners of the requirements that they must satisfy to gain subdivision approval, and to allow a reviewing court to evaluate noncompliance." When interpreting language in a zoning ordinance, the plain and ordinary meaning of the terms has generally been more favorable in court procedures. Because of the imprecise language within the subdivision ordinance regarding cul-de-sac length that "shall not normally" be longer than 500-ft, and because the existing length of Ridgewood Drive has already been approved through a prior subdivision, staff did not request the applicant to revise their application and incorporate a Variance request to the cul-de-sac length standard.

The Final Plat will be subject to a Development Agreement between the Owner/Developer and the City, which would outline the timing and details of the installation of required improvements associated with the development. The subdivision ordinance requires that no application for building permits be filed for the private construction associated with this plat until all improvements required have been made or arranged for within the Development Agreement. A condition has been included in the recommendation section of this report that a Development Agreement for the public improvements and utilities be executed to the satisfaction of the City Council before the Final Plat is released for recording with Dakota County, and before the issuance of any permits. This includes the improvements to the street and cul-de-sac, as well as the required utility connections and extensions as outlined in the Utility and Grading Plan section of this report. While the City currently performs street and utility distribution improvements, they do reserve the right to request that developers make all necessary improvements at any time.

Conclusion

The applicant has provided the dedicated right-of-way to the City, and planned a constructed street and utility extension within this Plat to meet the minimum lot width, frontage, and access

requirements of the City Code. The proposed lots each meet or exceed the minimum of 125' of lot width on a City-approved street and they exceed the minimum lot size requirements of 30,000 SF. The applicant's revised plans under this current Planning Case application have illustrated an intent to comply with the City's Subdivision Code by providing adequate extension of utilities into the dedicated right-of-way, and by arranging the lots and street alignment in such a manner that future resubdivision of the overlarge lots is not applicable at this time. The applicant has submitted the required Wetland Conservation Act permits to the City concurrently with this Planning Case application, which is not a factor in the review of this Preliminary Plat request. The Planning Commission should review the technical aspects of the proposed Plat, as it relates to the Zoning Ordinance, Subdivision Ordinance, and Comprehensive Plan.

Alternatives:
Following the public hearing and discussion, the Planning Commission may consider the following actions:

1. Recommend approval of the Preliminary Plat of McMillan Estates, based on certain findings-of-fact, along with specific conditions of approval as included herein; or

2. Recommend denial of the Preliminary Plat of McMillan Estates, based on revised findings-of-fact and conditions as determined by the Planning Commission and/or City Council; or

3. Table the plat application and request additional information from the applicant or staff. Staff will extend the application review period.

Staff Recommendation:
Staff recommends that the Planning Commission recommend to the City Council approval of the application of Spencer McMillan for the Preliminary Plat of a six-lot residential subdivision to be known as McMillan Estates, based on the Findings of Fact as included herein, along with the following conditions:

1. The preliminary plans presented under this plat request do not represent or provide approval of building pad sites, setbacks, accessory structures, or driveway alignments. Final layouts must meet R-E Zone standards and shall be approved under separate building permits for each lot.
2. A building permit, including all new grading and drainage work, must be approved by the City prior to any new construction work.
3. The Developer/Applicant shall submit final grading and utility plans and a dimensioned site plan with associated easements, subject to review and approval by the Planning Department and Engineering Department as part of any building permit application.
4. All new construction and grading activities throughout this development site and on each new buildable lot shall be in compliance with all applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document.
5. Stormwater Management shall be managed for the entire development and dedicated in a utility easement as part of the Final Plat. Stormwater management for water quality management shall not be deferred to the individual single-family home lots.
6. Public utility easement locations, including easements for stormwater management facilities and Best Management Practices (BMP) area(S) must be established, approved by the City, and included in the Final Plat prior to release of the Final Plat for recording with Dakota County.
7. All wetland impacts shall be in compliance with the applicable federal, state, and local

regulations and codes, including Title 12-Zoning, Section 12-4A-4: Wetland Requirements and Title 15-Environmental Standards, Chapter 4: Wetland Conservation.

8. The Forest Management Plan shall be updated to include the replacement of tree removal impacts, in accordance with Title 15-Environmental Standards, Chapter 3: Urban Forest reservation. An attempt must be made to mitigate tree removal impacts on site prior to providing an alternative tree replacement measure to the City.
9. In lieu of land dedication, the Developer/Applicant shall pay a park dedication fee in the amount of $4,000 per unit (6 lots = 6 x $4,000/unit, or $24,000) is to be collected after City Council approval and before the Final Plat is released for recording with Dakota County, and before the issuance of any permits.
10. Any new or existing sanitary or water service lines must be reviewed by the Public Works Director and/or St. Paul Regional Water Services prior to issuance of any building permit.
11. The Applicant/Developer must provide a Best Management Practices (Stormwater Management) Agreement to the City as part of the building permit submittal and review process for each new home and new impervious surface.
12. A Development Agreement for the public improvements and utilities shall be executed to the satisfaction of the City Council before the Final Plat is released for recording with Dakota County, and before the issuance of any permits.
13. The Applicant/Developer shall install all public improvements, including the extension of the public street identified on the Plat as Ridgewood Drive and the necessary utility installations, in compliance with all City requirements, prior to the application of any building permit for private construction or improvements within the Plat.
14. The existing cul-de-sac "bulb" of the existing Ridgewood Drive must be removed and reconstructed to City street standards prior to applying for any building permit for private construction or improvements within the Plat.

Attachments:

1. Findings of Fact for Approval
2. 1707 Delaware - McMillan Estates - Aerial Site Map
3. Letter of Intent
4. McMillan Estates Preliminary Plat
5. McMillan Estates Construction Plans
6. McMillan Estates Final Plat
7. Public Comments (Received as of the submittal of this report)
8. Joint Water Resources Application 5-22-25
9. BWSR Response - McMillan Estates de minimis application, 5-30-25
10. Army Corps of Engineer Letter, 6-18-25
11. TEP Findings, 5-28-2025
12. Additional Public Comments Received (Packet Addendum 6-24)
13. Living Streets Worksheet McMillan Estates (Packet Addendum 6-24)

FINDINGS OF FACT FOR APPROVAL

Preliminary Plat of McMillan Estates
1707 Delaware Avenue

The following Findings of Fact are made in support of approval of the proposed request:

1. The proposed Preliminary Plat meets the purpose and intent of the Subdivision Ordinance.

2. The proposed Preliminary Plat request meets the purpose and intent of the City Code and is consistent with and supported by a number of goals and policy statements in the 2040 Comprehensive Plan.

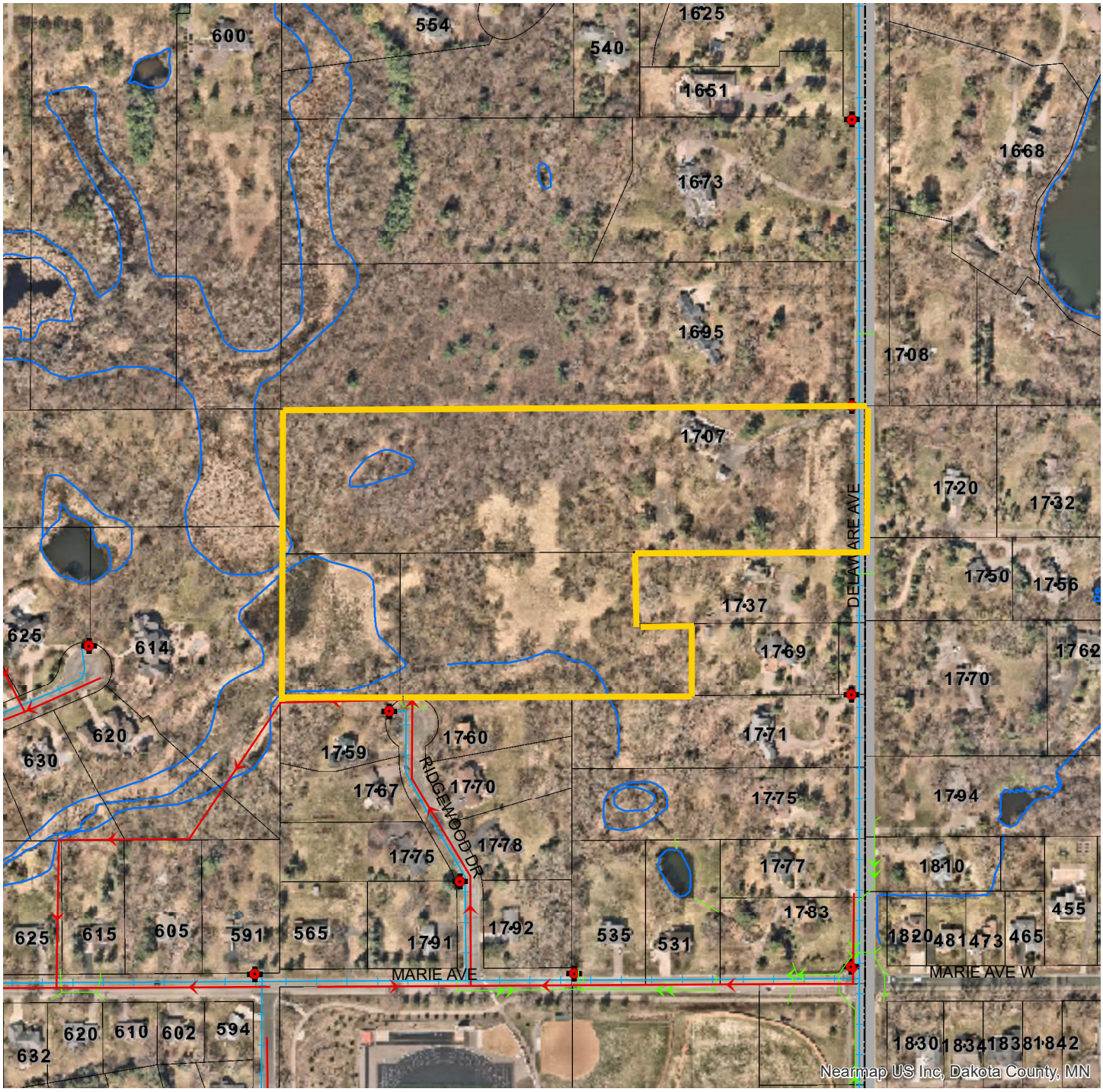
3. The proposed lots will meet the minimum standards required under the R-E Residential Estate Zoning District.

Location Aerial Map
1707 Delaware Ave/McMillan Estates

Date: 3/21/2024

0 340
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

March 11th, 2025

Dear City of Mendota Heights,

I am writing to inform you of our intent with this preliminary and final plat submission. My wife and I would like to re-plat the 3 parcels shown below.

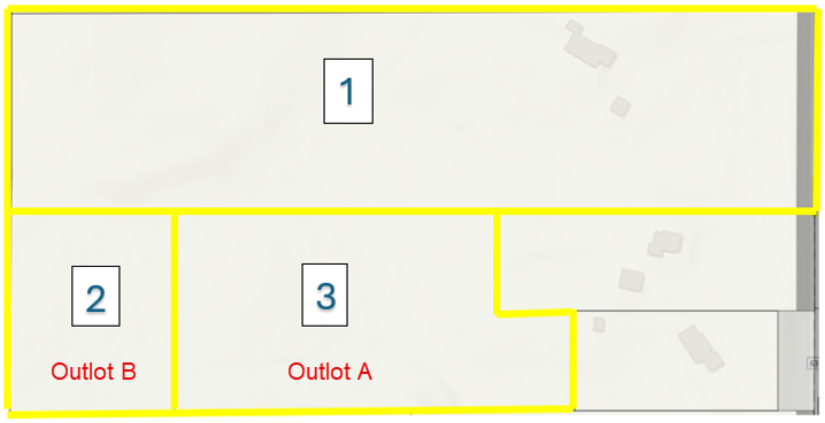
Current Parcels:

Parcel Numbers

Lot 1: 27-02400-78-010

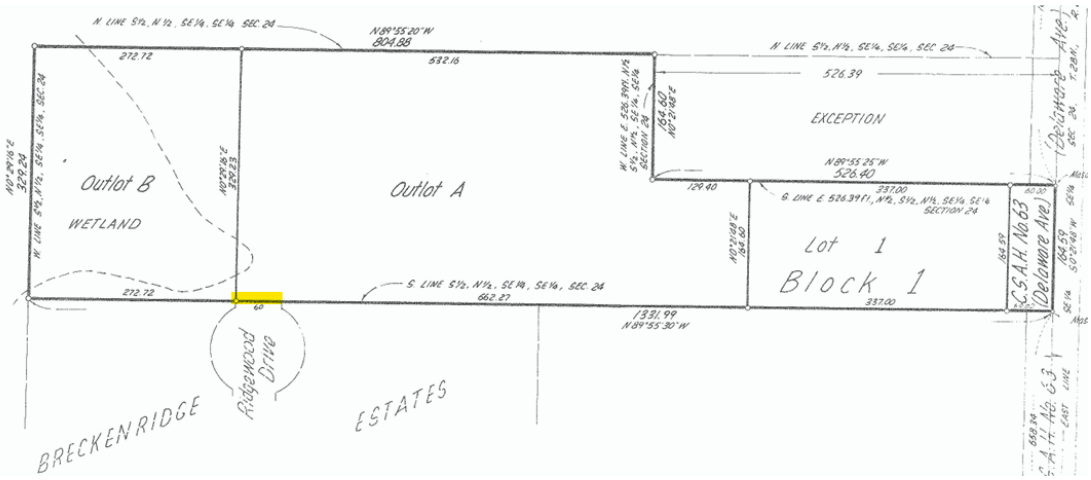
Lot 2: 27-31100-00-020

Lot 3: 27-31100-00-010



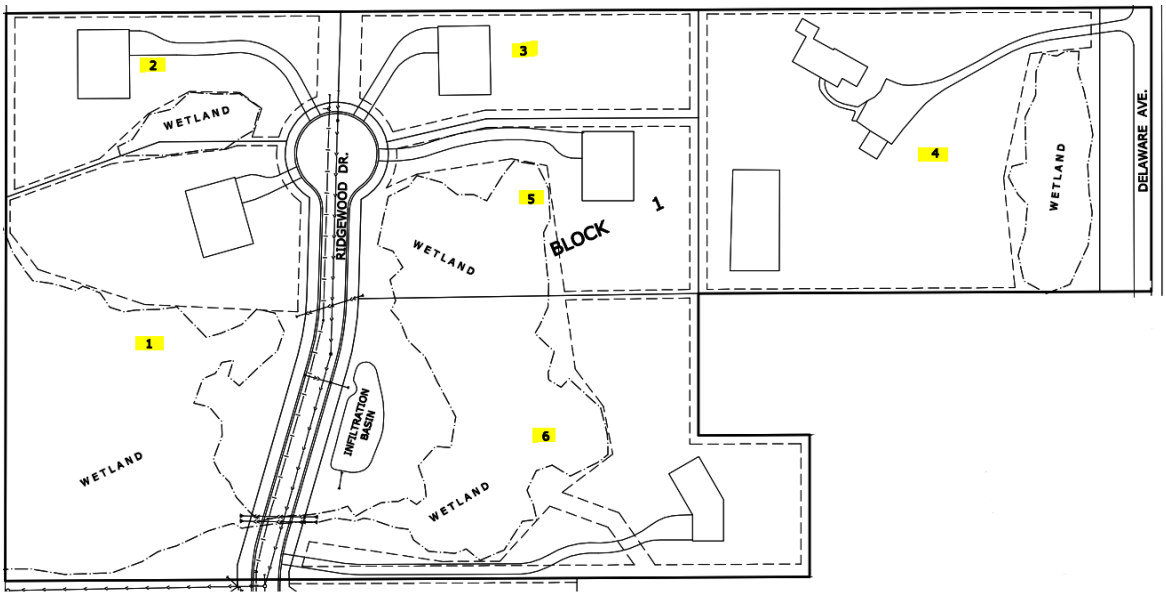
Background:

The Ridgewood Drive cul-de-sac butts up to current Lots 2 and 3 (Outlots B and A respectively). The cul-de-sac was dedicated in a plat in 1969 and included a 60 ft wide "nub" extension with frontage to both Outlots. Outlots A and B were approved by the City as part of the Grappendorf First Addition in 1985. Having approved the two Outlots, the city should approve a new subdivision which provides access and utilities for these Outlots. The code disallows a dead-end road extension and the existing 60 ft "nub" does not satisfy the 125 ft lot frontage requirement so the only means of access for these two Outlets is by an extension of Ridgewood Drive in the form of a new cul-de-sac dedication.



Proposed Plat:

We would like to replat the 3 parcels into 6 new lots. The new configuration is shown below.



Dakota County Right of Way Dedication

With this replatting, we are subject to Dakota County's Contiguous Plat Ordinance. This ordinance requires us to dedicate a 60 ft of half right of way along Delaware Avenue. This proposal makes this dedication.

Extended Cul-de-sac

The current length of the Ridgewood cul-de-sac is roughly 650 ft. We are proposing to extend the cul-de-sac another roughly 570 ft, so the total length becomes roughly 1,220 ft.

Section 11-3-3 of the zoning code states "Cul-de-sacs shall normally not be longer than five hundred feet (500')". However, the current cul-de-sac already exceeds 500 ft today, and was approved without any requirement for a variance. In addition, the specific language in the code is "shall normally not". This language is not explicit in prohibiting cul-de-sacs over 500 ft. In litigation resulting from a request for a 950 ft cul-de-sac in the Orchard Heights plat in 2017, the court determined that this language does not mandate a 500 ft limit for cul-de-sacs. There are already 19 cul-de-sacs in Mendota Heights that exceed 500 feet. For these reasons, we are not requesting a variance for the longer cul-de-sac.

Expected Outcome and Benefits

1. This proposal increases the number of available lots in Mendota Heights. Mendota Heights is a desirable place to live and this proposal increases the number of buildable lots from 2 to 6.

2. This proposal extends existing utility stubs on the existing cul-de-sac northward to the end of the new cul-de-sac. Future utility extensions are provided to serve lots to the north. Also, a 15 ft easement is provided for potential future utility services to homes along Delaware Ave to the east.
3. This proposal dedicates right of way along Delaware to Dakota County.
4. The proposal meets all Mendota Heights zoning requirements and does not require variances. It is consistent with the desired zoning of Mendota Heights.

Thank you for your consideration,

Spencer McMillan

MCMILLAN ESTATES

PRELIMINARY PLAT

SEE THE CONSTRUCTION PLANS FOR GRADING, DRAINAGE, STREET, SANITARY SEWER, AND WATERMAIN FOR FOR DETAILED IMPROVEMENTS

LEGAL DESCRIPTION

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING AND ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
CONTACT: WAYNE JACOBSON
612-802-6619

NOTE: DELINEATOR HAS RETIRED.

ZONING INFORMATION

EXISTING ZONING = R-1A
MINIMUM LOT SIZE = 30,000 SQ. FT.
MINIMUM LOT WIDTH = 125 FEET
MINIMUM FRONT YARD SETBACK = 40 FEET
MINIMUM SIDE YARD SETBACK = 15 FEET OR 1/2 THE HEIGHT OF STRUCTURE CONTIGUOUS TO STRUCTURE, WHICHEVER IS GREATER
MINIMUM REAR YARD SETBACK = 30 FEET OR 20% OF AVG. LOT DEPTH, WHICHEVER IS GREATER

PLAT AREAS

TOTAL PLAT AREA = 16.63 ACRES
PROPOSED LOT 1, BLOCK 1 = 158,544 SF = 3.64 ACRES
PROPOSED LOT 2, BLOCK 1 = 61,652 SF = 1.42 ACRES
PROPOSED LOT 3, BLOCK 1 = 53,242 SF = 1.22 ACRES
PROPOSED LOT 4, BLOCK 1 = 153,532 SF = 3.52 ACRES
PROPOSED LOT 5, BLOCK 1 = 77,002 SF = 1.77 ACRES
PROPOSED LOT 6, BLOCK 1 = 162,659 SF = 3.73 ACRES

PROPOSED RIGHT OF WAY
RIDGEWOOD DRIVE = 38,158 SF = 0.88 ACRES
DELAWARE AVE. = 19,751 SF = 0.45 ACRES

WETLANDS

WETLANDS HAVE BEEN DELINEATED AS SHOWN. 2170 SQ. FT. OF WETLANDS WILL BE IMPACTED FOR THE RIDGEWOOD DR. EXTENSION AND FUTURE DRIVES. PER DEMINIMUS RULES, NO WETLAND MITIGATION IS REQUIRED. A 25 FEET AVERAGE WETLAND BUFFER IS SHOWN WITH A MINIMUM BUFFER WIDTH OF 10 FEET. TOTAL 25 FEET BUFFER REQUIRED = 75,504 SF, TOTAL BUFFER PROVIDED = 75,609 SF.

PROPOSED IMPROVEMENTS

RIDGEWOOD DRIVE WILL BE EXTENDED TO PROVIDE ACCESS AND UTILITY CONNECTIONS FOR LOTS 1, 2, 3, 5, AND 6. NO IMPROVEMENTS ARE PROPOSED FOR LOT 4. THE EXISTING CUL DE SAC WILL BE REMOVED. SEE THE PROPOSED CONSTRUCTION PLANS FOR DETAILS.

TREE PRESERVATION

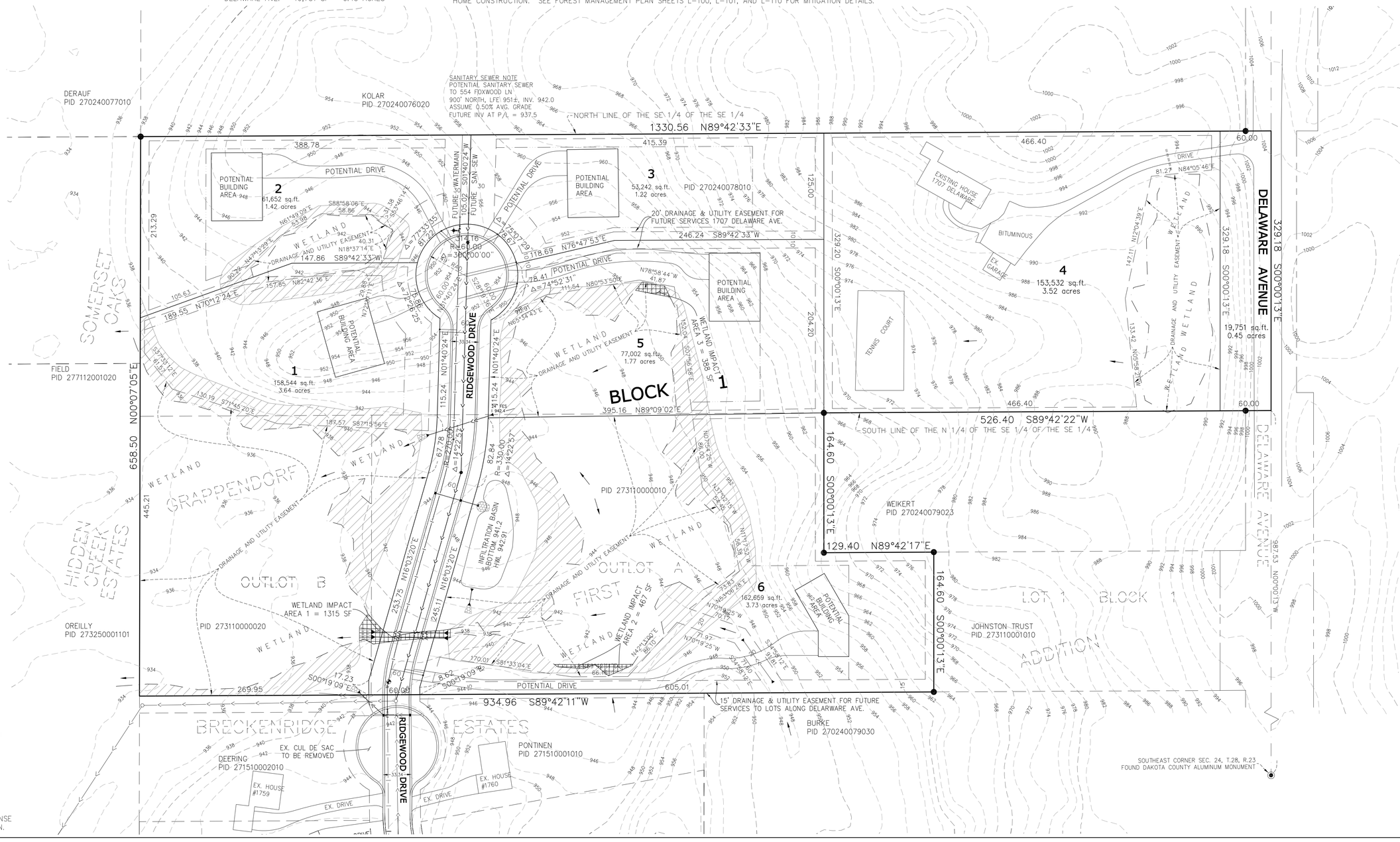
TREES HAVE BEEN INVENTORIED WITHIN THE POTENTIAL IMPROVEMENT AREAS. TREE INVENTORY AND REMOVALS FOR THE PROPOSED IMPROVEMENTS ARE SHOWN IN THE CONSTRUCTION PLANS. TREES HAVE NOT BEEN INVENTORIED FOR ALL OF THE INDIVIDUAL LOT IMPROVEMENTS. IF REQUIRED BY THE CITY, THOSE INVENTORIES WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. SEE FOREST MANAGEMENT PLAN SHEETS L-100, L-101, AND L-110 FOR MITIGATION DETAILS.

UTILITIES

UTILITIES WILL BE EXTENDED FROM EXISTING STUBS TO NORTH OF THE PROPOSED CUL DE SAC.EXISTING TO THE END OF THE NEW CUL DE SAC. POTENTIAL FUTURE UTILITY EXTENSIONS ARE SHOWN TO SERVE LOTS TO THE NORTH. SERVICE TAPS WILL BE PROVIDED FOR 1707 DELAWARE AVE. AND AN EASEMENT WILL BE PROVIDED TO EXTEND SERVICES TO THE EXISTING HOUSE. A 15 FEET EASEMENT WILL BE PROVIDED FOR POTENTIAL FUTURE UTILITY SERVICES TO HOMES ALONG DELWARE AVE. TO THE EAST.

STORMWATER

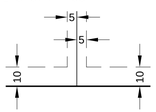
STORMWATER TREATMENT FOR THE INCREASE IN IMPERVIOUS FOR RIDGEWOOD DRIVE WILL BE PROVIDED BY AN INFILTRATION BASIS AS SHOWN. DUE TO THE TOPOGRAPHY OF THE SITE AND LOCATION OF FUTURE HOMES, THE IMPERVIOUS RUNOFF FROM THE INDIVIDUAL LOT IMPROVEMENTS COULD NOT BE CONVEYED TO THE PROPOSED INFILTRATION BASIN. THE INDIVIDUAL LOTS WILL PROVIDE VOLUME REDUCTION AND RATE CONTROL AT THE TIME OF HOME CONSTRUCTION. THE INCREASE IN IMPERVIOUS SURFACE FOR RIDGEWOOD DRIVE IS 0.43 ACRES. THE ESTIMATED INCREASE IN IMPERVOUS SURFACE FOR LOTS 1, 2, 3, 5, AND 6 IS 0.9 ACRES.



LEGEND

- PLAT BOUNDARY
- LOT LINE
- SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- EX. STORM SEWER
- EX. SAN. SEWER
- EX. WATERMAIN
- EX. HYDRANT
- 25' AVG. WIDTH WETLAND BUFFER, 10' MINIMUM WIDTH

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.



THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ● DENOTES IRON MONUMENT FOUND
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I, hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

CURTISS J. KALLIO
DATE: 5/2/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Preliminary Plat
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY
5/2/2025	INCREASED EASE. TO N. TO 60'	CK

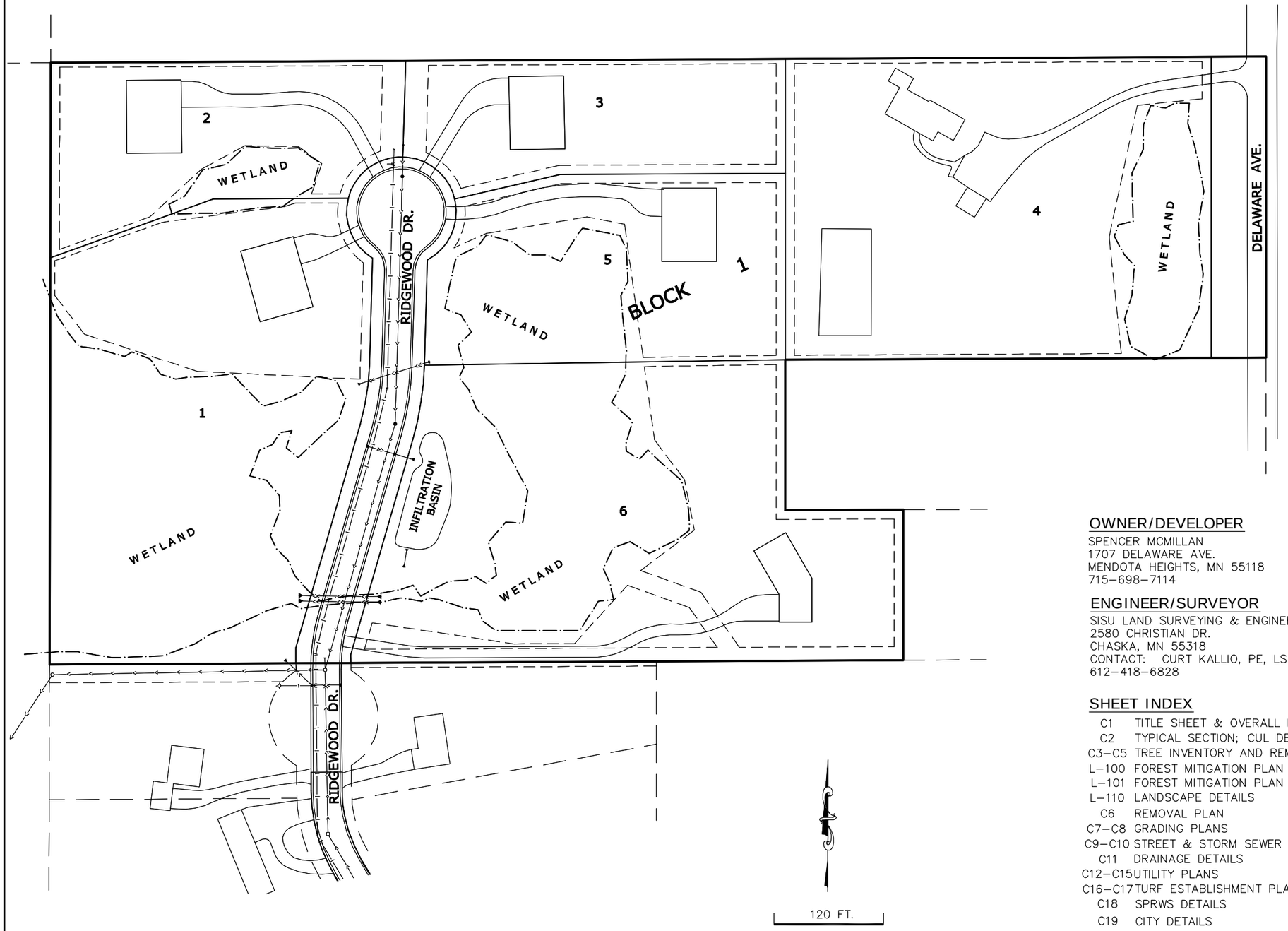
PROJECT NO: 202142

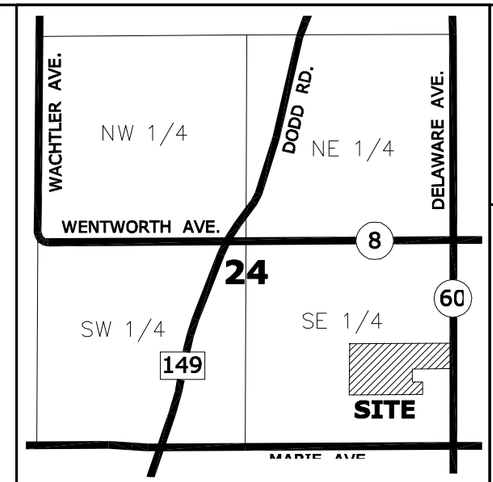
SHEET 1 OF 1 SHEETS

MCMILLAN ESTATES

MENDOTA HEIGHTS, MN

CONSTRUCTION PLANS FOR GRADING, STREET, STORM SEWER, SANITARY SEWER, AND WATERMAIN





VICINITY MAP

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING & ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

SHEET INDEX

C1	TITLE SHEET & OVERALL LAYOUT
C2	TYPICAL SECTION; CUL DE SAC DETAIL
C3-C5	TREE INVENTORY AND REMOVALS
L-100	FOREST MITIGATION PLAN - TREES SAVED
L-101	FOREST MITIGATION PLAN - TREES REMOVED
L-110	LANDSCAPE DETAILS
C6	REMOVAL PLAN
C7-C8	GRADING PLANS
C9-C10	STREET & STORM SEWER PLANS
C11	DRAINAGE DETAILS
C12-C15	UTILITY PLANS
C16-C17	TURF ESTABLISHMENT PLAN
C18	SPRWS DETAILS
C19	CITY DETAILS

LEGEND

SETBACK
EASEMENT
EX. CONTOUR — 990 —
PROP. CONTOUR 990
DRAINAGE ARROW
EX. CATCH BASIN
PROP. CATCH BASIN
EX. STORM SEWER
PROP. STORM SEWER
EX. FES
PROP. FES
EX. STORM MH
PROP. STORM MH
EX. SAN. SEWER
PROP. SAN. SEWER
EX. WATERMAIN
PROP. WATERMAIN
EX. HYDRANT
PROP. HYDRANT
PROP. GATE VALVE
POWER POLE
GAS — GAS —
TELEPHONE — TELE —
ELECTRIC — ELEC —
OVERHEAD POWER — OHP —

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2580 Christian Dr.
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I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Engineer under the laws of the State of Minnesota.

PRELIMINARY - NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

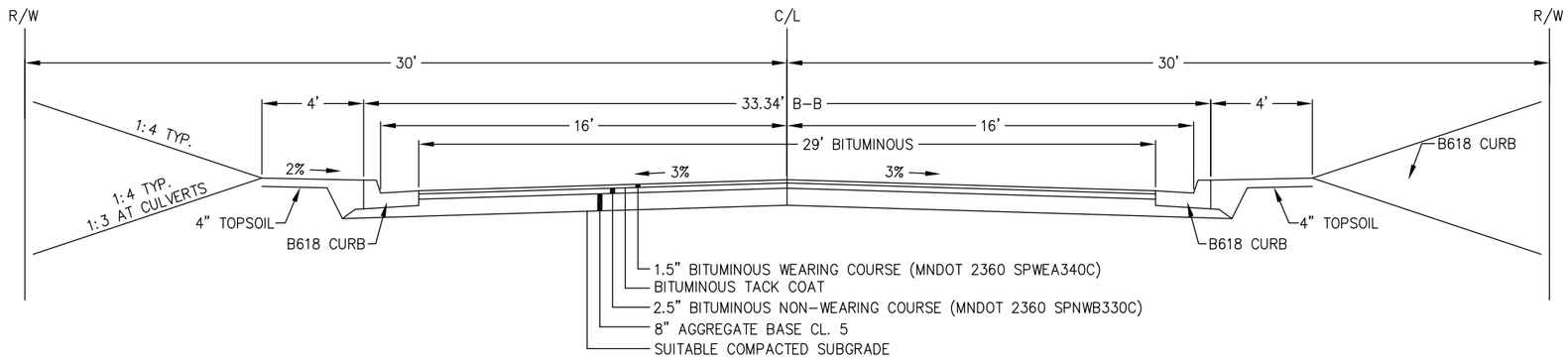
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Title & Layout
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

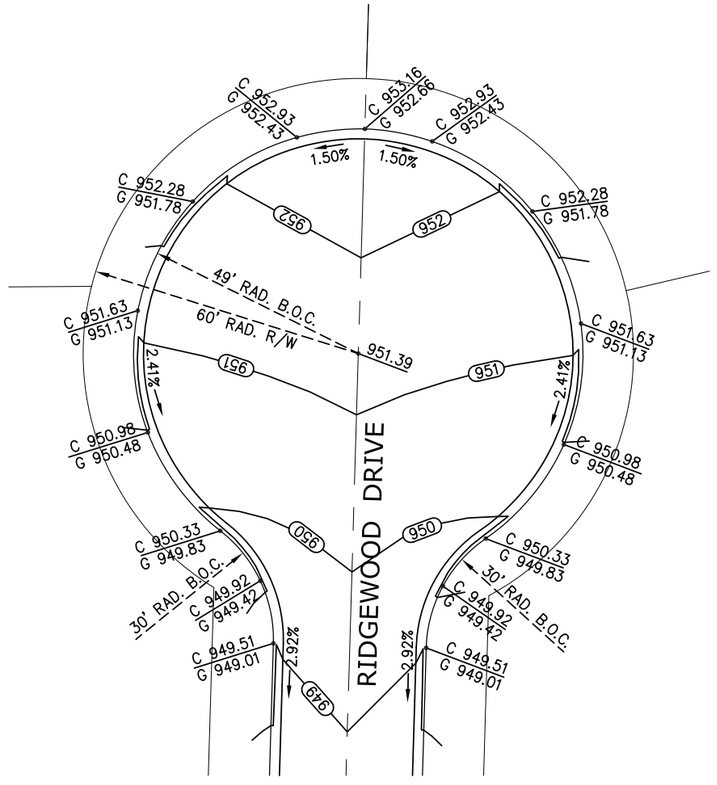
PROJECT NO:
202142

SHEET
C1



TYPICAL SECTION - RIDGEWOOD DRIVE

MEETS CITY REQUIREMENTS PER CITY PLATE NO. 1 AND
MINIMUM PAVEMENT SECTION REQUIREMENTS PER
CVT GEOTECHNICAL REPORT DATED NOVEMBER 13, 2024



CUL DE SAC DETAIL

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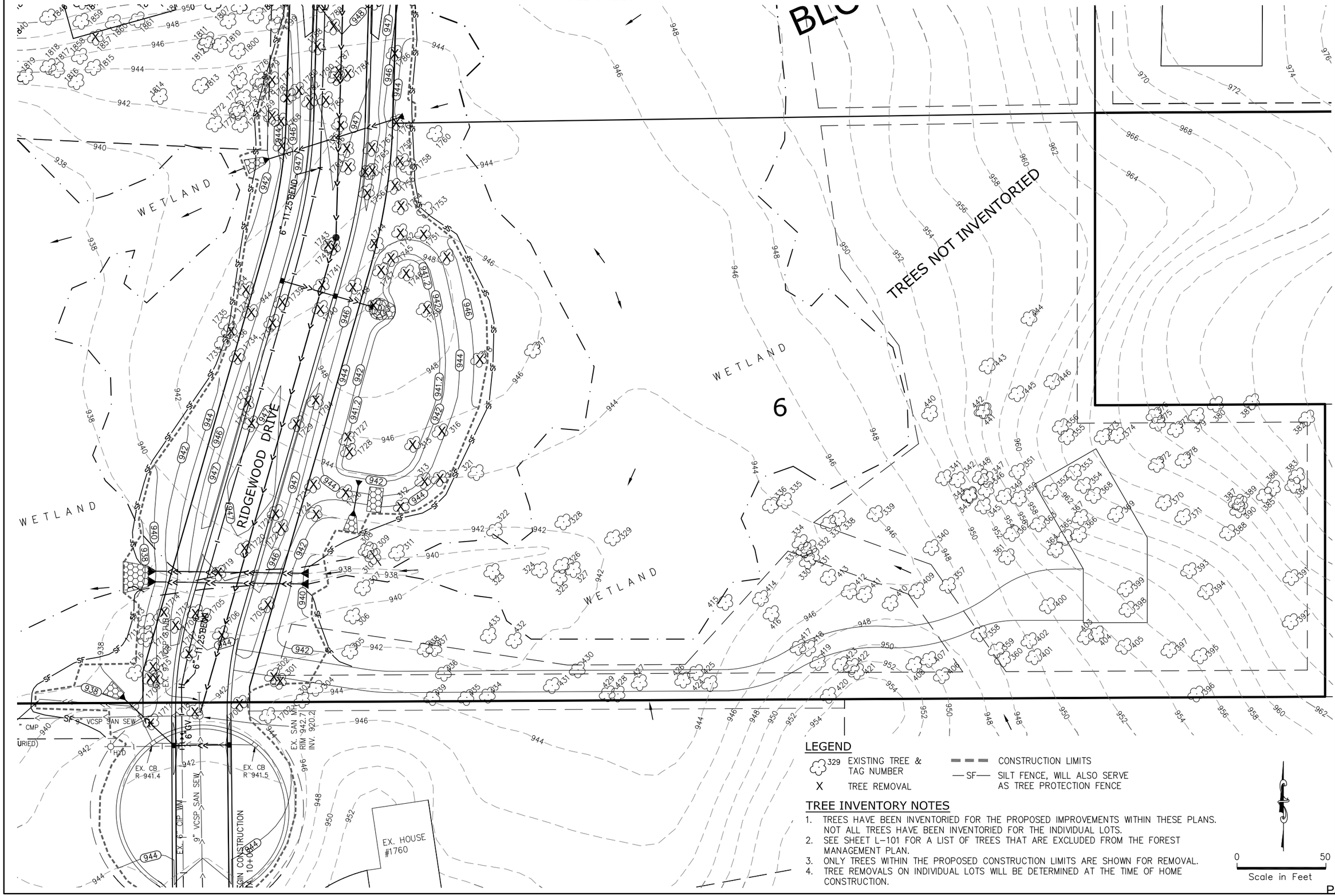
SHEET TITLE & PROJECT:
Typical Section and Cul de sac Detail
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C2

SEE SHEET 4



LEGEND

329	EXISTING TREE & TAG NUMBER
X	TREE REMOVAL
— — —	CONSTRUCTION LIMITS
—SF—	SILT FENCE, WILL ALSO SERVE AS TREE PROTECTION FENCE

TREE INVENTORY NOTES

1. TREES HAVE BEEN INVENTORIED FOR THE PROPOSED IMPROVEMENTS WITHIN THESE PLANS. NOT ALL TREES HAVE BEEN INVENTORIED FOR THE INDIVIDUAL LOTS.
2. SEE SHEET L-101 FOR A LIST OF TREES THAT ARE EXCLUDED FROM THE FOREST MANAGEMENT PLAN.
3. ONLY TREES WITHIN THE PROPOSED CONSTRUCTION LIMITS ARE SHOWN FOR REMOVAL.
4. TREE REMOVALS ON INDIVIDUAL LOTS WILL BE DETERMINED AT THE TIME OF HOME CONSTRUCTION.

0 50
Scale in Feet

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Chaska, MN 55318
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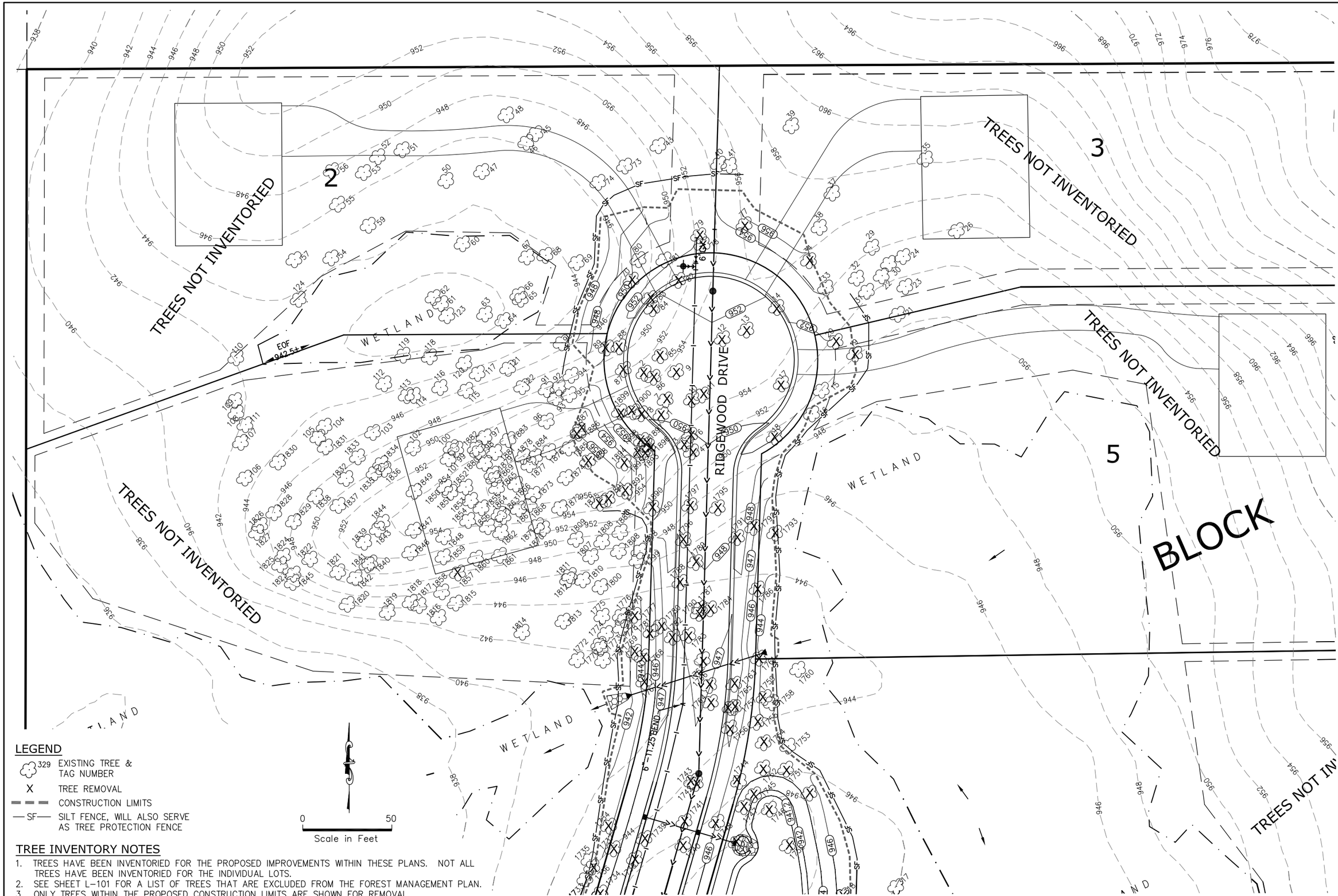
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Tree Inventory
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C3



LEGEND

- 329 EXISTING TREE & TAG NUMBER
- X TREE REMOVAL
- CONSTRUCTION LIMITS
- —SF— SILT FENCE, WILL ALSO SERVE AS TREE PROTECTION FENCE

TREE INVENTORY NOTES

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PREPARED FOR:
Spencer McMillan
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715-698-7114

SHEET TITLE & PROJECT:
Tree Inventory
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET
C4

Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status
1	6	Quaking Aspen		Remove	81	6	Black Cherry		Remove	336	17	Black Cherry	Mostly Dead	Save	416	13.5	Buckthorn		Save	1750	10	Black Cherry		Remove	1837	12	Red Oak		Save
2	6	Quaking Aspen		Remove	82	7	Black Cherry		Remove	337	13	Box Elder		Save	417	9	Buckthorn		Save	1751	8	Quaking Aspen		Remove	1838	7	Black Cherry		Save
3	7	Black Cherry		Remove	83	8	Box Elder	poor	Remove	338	11	Buckthorn	2 stem	Save	418	11	White Ash		Save	1752	6	Quaking Aspen	poor	Remove	1839	6	Red Oak		Save
4	6	Quaking Aspen		Remove	84	8	Black Cherry	poor	Remove	339	10	Buckthorn		Save	419	23.5	White Ash		Save	1753	8	Quaking Aspen		Save	1840	7	Black Cherry		Save
5	6	Green Ash		Remove	85	10	Black Cherry		Remove	340	10.5	Buckthorn	2 stem	Save	420	13	White Ash		Save	1754	7	Quaking Aspen		Remove	1841	7	Red Oak		Save
6	6	Quaking Aspen		Remove	86	7	Box Elder		Remove	341	17	Cottonwood		Save	421	18	Green Ash		Save	1755	6	Green Ash		Remove	1842	6	Red Oak		Save
7	7	Quaking Aspen		Remove	87	7	Black Cherry		Remove	342	16	White Ash		Save	422	12	Green Ash		Save	1756	7	Green Ash		Remove	1843	6	Red Oak	poor	Save
8	8	Quaking Aspen		Remove	88	6	Bur Oak		Remove	343	6.5	White Ash		Save	423	8.5	Green Ash		Save	1757	10	Quaking Aspen		Remove	1844	7	Red Oak	poor	Save
9	6	Quaking Aspen		Remove	89	8	Black Cherry		Remove	344	12	White Ash		Save	424	13	White Ash		Save	1758	9	Quaking Aspen		Save	1845	7	Red Oak		Save
10	7	Quaking Aspen		Remove	90	15	Red Oak		Save	345	16.5	Hophornbeam	2 stem/dead	Save	425	7	Buckthorn		Save	1759	9	Quaking Aspen		Remove	1846	10	Basswood		Save
11	6	Quaking Aspen	poor	Remove	91	12	Red Oak		Save	346	13	American Elm		Save	426	6	Swamp White Oa		Save	1760	6	Quaking Aspen		Save	1847	10	Red Oak		Save
12	8	Black Cherry	poor	Remove	92	8	Black Cherry		Save	347	8	White Ash		Save	427	16	White Ash		Save	1761	7	Quaking Aspen		Remove	1848	11	Red Oak		Save
13	7	Green Ash	poor	Remove	93	6	American Elm		Save	348	6	White Ash		Save	428	9	White Ash		Save	1762	7	Quaking Aspen		Remove	1849	6	Quaking Aspen		Save
14	7	Black Cherry		Remove	94	9	Black Cherry		Save	349	10	Box Elder		Save	429	17	White Ash		Save	1763	9	Quaking Aspen	poor	Remove	1850	8	Quaking Aspen		Save
15	12	Apple		Save	95	9	Black Cherry		Save	350	9	Box Elder		Save	430	6	Buckthorn		Save	1764	8	Green Ash		Remove	1851	7	Quaking Aspen		Save
16	12	Black Cherry		Save	96	9	Quaking Aspen		Save	351	21	Buckthorn	5 stem	Save	431	16	White Ash		Save	1765	10	Quaking Aspen		Remove	1852	8	Quaking Aspen		Save
17	6	Green Ash		Remove	97	8	Quaking Aspen		Save	352	9.5	Box Elder		Save	432	13.5	Box Elder	2 stem	Save	1766	10	Quaking Aspen	poor	Remove	1853	6	Quaking Aspen		Save
18	10	Black Cherry		Remove	98	9	Quaking Aspen		Save	353	12	Box Elder		Save	433	23	Green Ash		Save	1767	9	Quaking Aspen	poor	Remove	1854	6	Quaking Aspen		Save
19	6	Apple		Remove	99	7	Quaking Aspen		Save	354	10	Box Elder		Save	434	31.5	White Ash	2 stem	Save	1768	10	Quaking Aspen		Remove	1855	6	Quaking Aspen	poor	Save
20	6	Apple		Remove	100	7	Black Cherry		Save	355	10	White Ash		Save	435	14	Cottonwood		Save	1769	8	Quaking Aspen		Remove	1856	7	Quaking Aspen		Save
21	8	Box Elder	poor	Save	101	6	Apple		Save	356	8	Green Ash		Save	436	18.5	Box Elder		Save	1770	11	Quaking Aspen		Save	1857	7	Red Oak		Save
22	7	Apple		Save	102	12	Black Cherry		Save	357	14	Black Oak		Save	437	13	Box Elder		Save	1771	10	Quaking Aspen		Save	1858	7	Red Oak		Save
23	9	Box Elder		Save	103	8	Amur Maple		Save	358	20.5	White Ash		Save	438	10	White Ash		Save	1772	8	Quaking Aspen		Save	1859	8	Red Oak	poor	Save
24	7	Black Cherry		Save	104	8	Black Cherry		Save	359	22	White Ash	2 stem	Save	439	11	Black Cherry		Save	1773	9	Quaking Aspen		Save	1860	7	Green Ash	poor	Save
25	7	Black Cherry	poor	Save	105	12	Red Oak		Save	360	8	White Ash		Save	440	38	Buckthorn	10 stem	Save	1774	8	Quaking Aspen		Save	1861	7	Black Cherry	poor	Save
26	8	Black Cherry		Save	106	10	American Elm		Save	361	8	White Ash		Save	441	16	Box Elder		Save	1775	8	Quaking Aspen		Save	1862	8	Quaking Aspen		Save
27	6	Green Ash		Save	107	6	Bur Oak	poor	Save	362	13.5	White Ash		Save	442	14	White Ash		Save	1776	8	Quaking Aspen	poor	Save	1863	6	Quaking Aspen		Save
28	6	Green Ash	poor	Save	108	19	Cottonwood		Save	363	9	White Ash		Save	443	8	Buckthorn		Save	1777	10	Quaking Aspen		Remove	1864	6	Quaking Aspen		Save
29	7	Black Cherry		Save	109	7	Red Oak	poor	Save	364	14.5	American Elm		Save	444	18	White Ash		Save	1778	7	Quaking Aspen	poor	Remove	1865	8	Quaking Aspen		Save
30	8	Box Elder		Save	110	8	Quaking Aspen		Save	365	12	White Ash		Save	445	16.5	Hophornbeam		Save	1779	10	Quaking Aspen	poor	Save	1866	7	Quaking Aspen		Save
31	7	Black Cherry		Save	111	9	Red Oak		Save	366	8	White Ash		Save	446	9	Green Ash		Save	1780	15	Quaking Aspen		Remove	1867	6	Quaking Aspen		Save
32	8	Black Cherry		Save	112	13	Red Oak		Save	367	11	White Ash		Save	1701	21	Cottonwood		Remove	1781	6	Green Ash		Remove	1868	6	Quaking Aspen		Save
33	12	Black Cherry		Save	113	12	Red Oak		Save	368	10	White Ash		Save	1702	7	Black Cherry		Save	1782	6	Quaking Aspen		Remove	1869	8	Quaking Aspen		Save
34	6	Apple		Remove	114	6	Bur Oak		Save	369	6	White Ash		Save	1703	13	Green Ash		Remove	1783	7	Quaking Aspen		Remove	1870	10	Red Oak		Save
35	8	Black Cherry		Save	115	8	American Elm		Save	370	10	White Ash		Save	1704	7	Green Ash		Remove	1784	10	Black Walnut		Remove	1871	6	Red Oak		Save
36	6	Amur Maple	poor	Save	116	6	Apple		Save	371	6	Green Ash		Save	1705	7	Green Ash		Remove	1786	8	Box Elder		Remove	1872	7	Red Oak		Save
37	6	Black Cherry		Save	117	19	Red Oak		Save	372	9.5	White Ash		Save	1706	12	Box Elder		Remove	1787	12	Quaking Aspen	poor	Remove	1873	7	Quaking Aspen		Save
38	6	American Elm	poor	Save	118	31	Cottonwood		Save	373	15	White Ash		Save	1707	19	Cottonwood		Remove	1788	10	Quaking Aspen		Remove	1874	6	Black Cherry	poor	Remove
39	7	Black Cherry	poor	Save	119	6	Green Ash		Save	374	15	Green Ash		Save	1708	7	Cottonwood		Remove	1789	10	Box Elder		Remove	1875	25	Cottonwood		Save
40	8	Black Cherry		Save	120	7	Green Ash		Save	375	10.5	White Ash		Save	1709	6	Cottonwood		Remove	1790	10	Quaking Aspen		Remove	1876	6	Quaking Aspen	poor	Remove
41	11	Black Cherry		Save	121	6	Green Ash		Save	376	12	White Ash		Save	1710	7	American Elm		Save	1791	10	Quaking Aspen		Remove	1877	6	Quaking Aspen	poor	Remove
42	10	American Elm	poor	Save	122	6	American Elm		Save	377	8.5	White Ash		Save	1711	30	Cottonwood		Save	1792	8	Quaking Aspen	poor	Remove	1878	6	Quaking Aspen		Remove
43	10 (25')	Scotch Pine	poor	Save	123	7	Green Ash		Save	378	8.5	White Ash		Save	1712	35	Cottonwood		Remove	1793	11	Green Ash		Remove	1879	7	Quaking Aspen		Remove
44	8	Black Cherry		Save	124	12	Red Oak		Save	379	15.5	Green Ash		Save	1713	6	Box Elder		Save	1794	11	Black Walnut		Remove	1880	7	Quaking Aspen		Remove
45	6	Bur Oak		Save	125	11	Red Oak		Save	380	19	White Ash	2 stem	Save	1714	6	Box Elder		Remove	1795	9	Quaking Aspen		Remove	1881	7	Quaking Aspen		Remove
46	4	Green Ash	poor	Save	301	8	Bur Oak		Remove	381	11.5	Green Ash		Save	1715	18	Cottonwood		Remove	1796	7	Quaking Aspen	poor	Remove	1882	6	Quaking Aspen		Remove
47	6	Green Ash		Save	302	16	Cottonwood		Remove	382	14.5	Green Ash		Save	1716	12	Box Elder		Save	1797	9	Quaking Aspen		Remove	1883	9	Quaking Aspen		Remove
48	6	Green Ash		Save	303	20.5	White Ash		Save	383	16	White Ash		Save	1717	10	Siberian Elm		Remove	1798	12	Red Oak		Save	1884	6	Quaking Aspen		Remove
49	6	Green Ash	poor	Save	304	9	Black Cherry	2 stem	Save	384	23.5	White Ash	3 stem	Save	1718	6	Siberian Elm	poor	Remove	1799	12	Quaking Aspen		Save	1885	6	Quaking Aspen		Remove
50	7	Green Ash		Save	305	9	Black Cherry	2 stem	Save	385	32.5	White Ash	3 stem	Save	1719	7	Box Elder		Remove	1800	10	Quaking Aspen		Save	1886	7	Quaking Aspen		Save
51	8	Apple		Save	306	13	Green Ash		Save	386	17.5	White Ash		Save	1720	6	Black Cherry		Remove	1807	10	American Elm	poor	Save	1887	7	Quaking Aspen		Save
52	6	Bur Oak		Save	307	17.5	Green Ash		Save	387	10	White Ash		Save	1721	7	Black Cherry		Remove	1808	11	Black Cherry	poor	Save	1888	12	Red Oak		Save
53	6	Black Cherry		Save	308	6	Black Cherry		Save	388	25.5	White Ash	2 stem	Save	1722	7	Black Cherry		Remove	1809	8	Black Cherry	poor	Save	1889	13	Black Cherry		Remove
54	6	Bur Oak		Save	309	10	American Elm		Save	389	7	White Ash		Save	1723	13	Box Elder		Remove	1810	6	Quaking Aspen	poor	Save	1890	6	Red Oak		Save
55	6	Green Ash		Save	310	42	Cottonwood		Save	390	13.5	White Ash		Save	1724	7	Black Cherry		Remove	1811	12	Quaking Aspen		Save	1891	12	Red Oak		Remove
56	6	Black Cherry		Save	311	77.5	Cottonwood	2 stem	Save	391	22	White Ash		Save	1725	9	Black Cherry		Save	1812	7	Quaking Aspen	poor	Save	1892	7	Red Oak		Save
57	14	Red Oak		Save	312	28	Slippery Elm	splitting	Remove	392	18	White Ash		Save	1726	8	Box Elder		Remove	1813	6	Quaking Aspen	poor	Save	1893	8	Quaking Aspen		Save
58	15	Red Oak		Save	313	6	White Ash		Remove	393	22.5	White Ash		Save	1727	7	Black Cherry		Remove	1814	28	Red Oak		Save	1894	7	Quaking Aspen		Save
59	14	Red Oak	poor	Save	314	9.5	White Ash		Remove	394	30.5	White Ash	2 stem	Save	1728	6	Black Cherry		Remove	1815	24	Red Oak		Save	1895	7	Quaking Aspen		Save
60	7	Black Willow		Save	315	22	Cottonwood		Remove	395	10	White Ash		Save	1729	9	Box Elder	poor	Remove	1816	10	Red Oak	poor	Save	1896	8	Quaking Aspen		Save
61	8	Green Ash		Save	316	7	Black Cherry		Remove	396	25	White Ash		Save	1730	8	Box Elder		Save	1817	6	Red Oak		Save	1897	7	Quaking Aspen	poor	Save
62	10	Green Ash		Save	317	14.5	Siberian Elm		Save	397	12	Green Ash		Save	1731	10	Box Elder		Remove	1818	7	Red Oak	poor	Save	1898	8	Quaking Aspen		Save
63	6	Green Ash		Save	318	36	Box Elder	4 stem	Save	398	26	White Ash		Save	1732	8	Box Elder	poor	Remove	1819	7	Red Oak	poor	Save	1899	6	American Elm		Save
64	10	Green Ash		Save	319	7	Box Elder		Save	399	16.5	White Ash		Save	1733	10	Black Cherry		Save	1820	14	Red Oak	poor	Save	1900	10	Quaking Aspen		Save
65	8	Green Ash		Save	320	9	Quaking Aspen		Save	400	21	White Ash		Save	1734	8	Box Elder	poor	Remove	1821	12	Red Oak		Save					
66	7	Green Ash	poor	Save	321	10	Black Cherry		Save	401	6.5	Buckthorn		Save	1735	12	Black Cherry		Save	1822	11	Red Oak		Save					
67	10	Green Ash		Save	322	14.5	Box Elder		Save	402	7.5	Buckthorn		Save	1736	6	Box Elder		Remove	1823	6	Red Oak	poor	Save					
68	10	Green Ash		Save	323	10	Box Elder		Save	403	7	White Ash		Save	1737	14	Black Cherry		Remove	1824	7	Red Oak	poor	Save					
69	11	Green Ash		Save	324	8	Buckthorn	2 stem	Save	404	12.5	White Ash		Save	1738	8	Box Elder		Remove	1825	9	Red Oak	poor	Save					
70	21	Red Oak		Remove	325	9	Box Elder		Save	405	8.5	White Ash		Save	1739	8	Quaking Aspen		Remove	1826	7	Black Cherry		Save					
71	7	Bur Oak		Save	326	8	Box Elder		Save	406	10	Box Elder		Save	1740	9	Quaking Aspen		Remove	1827	6	Black Cherry		Save					
72	9	Bur Oak		Save	327	37.5	Black Willow	Half Dead	Save	407	13.5	Box Elder		Save	1741	8	Quaking Aspen		Remove	1828	9	Black Cherry		Save					
73	7	Apple		Save	328	8	Buckthorn		Save	408	14	Green Ash		Save	1742	8	Quaking Aspen		Remove	1829	8	American Elm	poor	Save					
74	8	Apple		Save	329	54	Cottonwood		Save	409	15	White Ash		Save	1743	9	Quaking Aspen		Remove	1830	8	Apple		Save					
75	6	Green Ash		Save	330	15	Box Elder		Save	410	8.5	Box Elder		Save	1744	6	Box Elder		Remove	1831	8	Black Cherry		Save					
76	7	Green Ash		Save	331	8	Box Elder		Save	411	7	Amur Cork Tree		Save	1745	12	American Elm		Remove	1832	7	Black Cherry		Save					
77	6	Black Cherry		Remove	332	9	Box Elder		Save	412	12	Box Elder		Save	1746	8	Quaking Aspen		Remove	1833	8	Black Cherry		Save					
78	8	American Elm		Remove	333	13	Box Elder		Save	413	9	American Elm		Save	1747	9	Black Cherry		Remove	1834	7	Black Cherry		Save					
79	9	Black Cherry		Remove	334	9	Box Elder		Save	414	8.5	Black Cherry		Save	1748	9	Quaking Aspen		Remove	1835	10	Black Cherry		Save					
80	12	Black Cherry		Remove	335	63.5	Cottonwood		Save	415	9	Black Cherry		Save	1749	10	Quaking Aspen		Remove	1836	12	Red Oak	poor	Save					

SEE SHEET L-101 FOR TREE MITIGATION CALCULATIONS

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Engineer under the laws of the State of Minnesota.

PRELIMINARY – NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Tree Inventory
MCMILLAN ESTATES
Mendota Heights, Dakota County, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET
C5

Tag	DBH	Species	Notes	Status
15	12	Apple		Save
16	12	Black Cherry		Save
21	8	Box Elder	poor	Save
22	7	Apple		Save
23	9	Box Elder		Save
24	7	Black Cherry		Save
25	7	Black Cherry	poor	Save
26	8	Black Cherry		Save
27	6	Green Ash		Save
28	6	Green Ash	poor	Save
29	7	Black Cherry		Save
30	8	Box Elder		Save
31	7	Black Cherry		Save
32	8	Black Cherry		Save
33	12	Black Cherry		Save
35	8	Black Cherry		Save
36	6	Amur Maple	poor	Save
37	6	Black Cherry		Save
38	6	American Elm	poor	Save
39	7	Black Cherry	poor	Save
40	8	Black Cherry		Save
41	11	Black Cherry		Save
42	10	American Elm	poor	Save
43	10 (25')	Scotch Pine	poor	Save
44	8	Black Cherry		Save
45	6	Bur Oak		Save
46	4	Green Ash	poor	Save
47	6	Green Ash		Save
48	6	Green Ash		Save
49	6	Green Ash	poor	Save
50	7	Green Ash		Save
51	8	Apple		Save
52	6	Bur Oak		Save
53	6	Black Cherry		Save
54	6	Bur Oak		Save
55	6	Green Ash		Save
56	6	Black Cherry		Save
57	14	Red Oak		Save
58	15	Red Oak		Save
59	14	Red Oak	poor	Save
60	7	Black Willow		Save
61	8	Green Ash		Save
62	10	Green Ash		Save
63	6	Green Ash		Save
64	10	Green Ash		Save
65	8	Green Ash		Save
66	7	Green Ash	poor	Save
67	10	Green Ash		Save
68	10	Green Ash		Save
69	11	Green Ash		Save
71	7	Bur Oak		Save
72	9	Bur Oak		Save
73	7	Apple		Save
74	8	Apple		Save
75	6	Green Ash		Save
76	7	Green Ash		Save
90	15	Red Oak		Save
91	12	Red Oak		Save
92	8	Black Cherry		Save
93	6	American Elm		Save
94	9	Black Cherry		Save
95	9	Black Cherry		Save
96	9	Quaking Aspen		Save
97	8	Quaking Aspen		Save
98	9	Quaking Aspen		Save
99	7	Quaking Aspen		Save
100	7	Black Cherry		Save
101	6	Apple		Save
102	12	Black Cherry		Save
103	8	Amur Maple		Save
104	8	Black Cherry		Save
105	12	Red Oak		Save
106	10	American Elm		Save
107	6	Bur Oak	poor	Save
108	19	Cottonwood		Save
109	7	Red Oak	poor	Save
110	8	Quaking Aspen		Save
111	9	Red Oak		Save
112	13	Red Oak		Save
113	12	Red Oak		Save

Tag	DBH	Species	Notes	Status
114	6	Bur Oak		Save
115	8	American Elm		Save
116	6	Apple		Save
117	19	Red Oak		Save
118	31	Cottonwood		Save
119	6	Green Ash		Save
120	7	Green Ash		Save
121	6	Green Ash		Save
122	6	American Elm		Save
123	7	Green Ash		Save
124	12	Red Oak		Save
125	11	Red Oak		Save
303	20.5	White Ash		Save
304	9	Black Cherry	2 stem	Save
305	9	Black Cherry	2 stem	Save
306	13	Green Ash		Save
307	17.5	Green Ash		Save
308	6	Black Cherry		Save
309	10	American Elm		Save
310	42	Cottonwood		Save
311	77.5	Cottonwood	2 stem	Save
317	14.5	Siberian Elm		Save
318	36	Box Elder	4 stem	Save
319	7	Box Elder		Save
320	9	Quaking Aspen		Save
321	10	Black Cherry		Save
322	14.5	Box Elder		Save
323	10	Box Elder		Save
324	8	Buckthorn	2 stem	Save
325	9	Box Elder		Save
326	8	Box Elder		Save
327	37.5	Black Willow	Half Dead	Save
328	8	Buckthorn		Save
329	54	Cottonwood		Save
330	15	Box Elder		Save
331	8	Box Elder		Save
332	9	Box Elder		Save
333	13	Box Elder		Save
334	9	Box Elder		Save
335	63.5	Cottonwood		Save
336	17	Black Cherry	Mostly Dead	Save
337	13	Box Elder		Save
338	11	Buckthorn	2 stem	Save
339	10	Buckthorn		Save
340	10.5	Buckthorn	2 stem	Save
341	17	Cottonwood		Save
342	16	White Ash		Save
343	6.5	White Ash		Save
344	12	White Ash		Save
345	16.5	Hophornbeam	2 stem - mostly dead	Save
346	13	American Elm		Save
347	8	White Ash		Save
348	6	White Ash		Save
349	10	Box Elder		Save
350	9	Box Elder		Save
351	21	Buckthorn	5 stem	Save
352	9.5	Box Elder		Save
353	12	Box Elder		Save
354	10	Box Elder		Save
355	10	White Ash		Save
356	8	Green Ash		Save
357	14	Black Oak		Save
358	20.5	White Ash		Save
359	22	White Ash	2 stem	Save
360	8	White Ash		Save
361	8	White Ash		Save
362	13.5	White Ash		Save
363	9	White Ash		Save
364	14.5	American Elm		Save
365	12	White Ash		Save
366	8	White Ash		Save
367	11	White Ash		Save
368	10	White Ash		Save
369	6	White Ash		Save
370	10	White Ash		Save
371	6	Green Ash		Save
372	9.5	White Ash		Save
373	15	White Ash		Save
374	15	Green Ash		Save
375	10.5	White Ash		Save

Tag	DBH	Species	Notes	Status
376	12	White Ash		Save
377	8.5	White Ash		Save
378	8.5	White Ash		Save
379	15.5	Green Ash		Save
380	19	White Ash	2 stem	Save
381	11.5	Green Ash		Save
382	14.5	Green Ash		Save
383	16	White Ash		Save
384	23.5	White Ash	3 stem	Save
385	32.5	White Ash	3 stem	Save
386	17.5	White Ash		Save
387	10	White Ash		Save
390	13.5	White Ash		Save
389	7	White Ash		Save
388	25.5	White Ash	2 stem	Save
391	22	White Ash		Save
392	18	White Ash		Save
393	22.5	White Ash		Save
394	30.5	White Ash	2 stem	Save
395	10	White Ash		Save
396	25	White Ash		Save
397	12	Green Ash		Save
398	26	White Ash		Save
399	16.5	White Ash		Save
400	21	White Ash		Save
401	6.5	Buckthorn		Save
402	7.5	Buckthorn		Save
403	7	White Ash		Save
404	12.5	White Ash		Save
405	8.5	White Ash		Save
406	10	Box Elder		Save
407	13.5	Box Elder		Save
408	14	Green Ash		Save
409	15	White Ash		Save
410	8.5	Box Elder		Save
411	7	Amur Cork Tree		Save
412	12	Box Elder		Save
413	9	American Elm		Save
414	8.5	Black Cherry		Save
415	9	Black Cherry		Save
416	13.5	Buckthorn		Save
417	9	Buckthorn		Save
418	11	White Ash		Save
419	23.5	White Ash		Save
420	13	White Ash		Save
421	18	Green Ash		Save
422	12	Green Ash		Save
423	8.5	Green Ash		Save
424	13	White Ash		Save
425	7	Buckthorn		Save
426	6	Swamp White Oak		Save
427	16	White Ash		Save
428	9	White Ash		Save
429	17	White Ash		Save
430	6	Buckthorn		Save
431	16	White Ash		Save
432	13.5	Box Elder	2 stem	Save
433	23	Green Ash		Save
434	31.5	White Ash	2 stem	Save
435	14	Cottonwood		Save
436	18.5	Box Elder		Save
437	13	Box Elder		Save
438	10	White Ash		Save
439	11	Black Cherry		Save
440	38	Buckthorn	10 stem	Save
441	16	Box Elder		Save
442	14	White Ash		Save
443	8	Buckthorn		Save
444	18	White Ash		Save
445	16.5	Hophornbeam		Save
446	9	Green Ash		Save
1702	7	Black Cherry		Save
1710	7	American Elm		Save
1711	30	Cottonwood		Save
1713	6	Box Elder		Save
1725	9	Black Cherry		Save
1730	8	Box Elder		Save
1733	10	Black Cherry		Save
1735	12	Black Cherry		Save
1753	8	Quaking Aspen		Save

Tag	DBH	Species	Notes	Status
1758	9	Quaking Aspen		Save
1760	6	Quaking Aspen		Save
1770	11	Quaking Aspen		Save
1771	10	Quaking Aspen		Save
1772	8	Quaking Aspen		Save
1773	9	Quaking Aspen	dead	Save
1774	8	Quaking Aspen		Save
1775	8	Quaking Aspen	dead	Save
1776	8	Quaking Aspen	dead	Save
1779	10	Quaking Aspen	poor	Save
1792	8	Quaking Aspen	poor	Save
1793	11	Green Ash		Save
1798	12	Red Oak		Save
1799	12	Quaking Aspen		Save
1800	10	Quaking Aspen		Save
1807	10	American Elm	poor	Save
1808	11	Black Cherry	poor	Save
1809	8	Black Cherry	poor	Save
1810	6	Quaking Aspen	poor	Save
1811	12	Quaking Aspen		Save
1812	7	Quaking Aspen	poor	Save
1813	6	Quaking Aspen	dead	Save
1814	28	Red Oak		Save
1815	24	Red Oak		Save
1816	10	Red Oak	poor	Save
1817	6	Red Oak		Save
1818	7	Red Oak	poor	Save
1819	7	Red Oak	poor	Save
1820	14	Red Oak	poor	Save
1821	12	Red Oak		Save
1822	11	Red Oak		Save
1823	6	Red Oak	poor	Save
1824	7	Red Oak	poor	Save
1825	9	Red Oak	poor	Save
1826	7	Black Cherry		Save
1827	6	Black Cherry		Save
1828	9	Black Cherry		Save
1829	8	American Elm	poor	Save
1830	8	Apple		Save
1831	8	Black Cherry		Save
1832	7	Black Cherry		Save
1833	8	Black Cherry		Save
1834	7	Black Cherry		Save
1835	10	Black Cherry		Save
1836	12	Red Oak	poor	Save
1837	12	Red Oak		Save
1838	7	Black Cherry		Save
1839	6	Red Oak		Save
1840	7	Black Cherry		Save
1841	7	Red Oak		Save
1842	6	Red Oak		Save
1843	6	Red Oak	poor	Save
1844	7	Red Oak	poor	Save
1845	7	Red Oak		Save
1846	10	Basswood		Save
1847	10	Red Oak		Save
1848	11	Red Oak		Save
1849	6	Quaking Aspen		Save
1850	8	Quaking Aspen		Save
1851	7	Quaking Aspen		Save
1852	8	Quaking Aspen		Save
1853	6	Quaking Aspen		Save
1854	6	Quaking Aspen		Save
1855	6	Quaking Aspen	poor	Save
1856	7	Quaking Aspen		Save
1857	7	Red Oak		Save
1858	7	Red Oak		Save
1859	8	Red Oak	poor	Save
1860	7	Green Ash	poor	Save
1861	7	Black Cherry	poor	Save
1862	8	Quaking Aspen		Save
1863	6	Quaking Aspen		Save
1864	6	Quaking Aspen		Save
1865	8	Quaking Aspen		Save
1866	7	Quaking Aspen		Save
1867	6	Quaking Aspen		Save
1868	6	Quaking Aspen		Save
1869	8	Quaking Aspen		Save
1870	10	Red Oak		Save
1871	6	Red Oak		Save

Tag	DBH	Species	Notes	Status
1872	7	Red Oak		Save
1873	7	Quaking Aspen		Save
1875	25	Cottonwood		Save
1886	7	Quaking Aspen		Save
1887	7	Quaking Aspen		Save
1888	12	Red Oak		Save
1890	6	Red Oak		Save
1892	7	Red Oak		Save
1893	8	Quaking Aspen		Save
1894	7	Quaking Aspen		Save
1895	7	Quaking Aspen		Save
1896	8	Quaking Aspen		Save
1897	7	Quaking Aspen	poor	Save
1898	8	Quaking Aspen		Save
1899	6	American Elm		Save
1900	10	Quaking Aspen		Save

TOTAL DBH SURVEYED	4922.0
TOTAL DBH TO BE SAVED	3774.5
HERITAGE TREES SAVED	11

MIDWEST WETLAND improvements

P.O. BOX 448
VICTORIA, MN 55386
PHONE: (952) 261-9990
WWW.MIDWESTWETLANDS.COM

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Lucius Jonett

LICENSE NO.: 52856

DATE: 04-18-2025

ISSUE NO.:	DESCRIPTION:	DATE:
01	PRELIMINARY PLAT SUBMITTAL	04/18/2025

PROJECT TITLE:

McMILLAN ESTATES

MENDOTA HEIGHTS, MN

CLIENT:

SPENCER McMILLAN

1707 DELAWARE AVENUE
MENDOTA HEIGHTS, MN 55118
PHONE: (715) 698-7114

PROJECT NO.: B0029-0001

DWN BY:	CHK'D BY:	APP'D BY:
HRM	LNJ	LNJ

ISSUE DATE: 04-18-2025

ISSUE NO.: 01

SHEET TITLE:

FOREST MITIGATION PLAN - TREES SAVED

SHEET NO.:

L-100

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D:\Midwest Wetland Improvements, LLC\Midwest Wetlands - OneDrive - MWI\Projects\0029 McMillan, Spencer\0001 - Sullivan Estates\6_DESIGN\2_CAD\3 PLANSHEETS\L-100 Forest Mitigation Plan.dwg

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Tree Removals Excluded From Forest Management Plan

Tag	DBH	Species	Notes	Status
5	6	Green Ash		Remove
11	6	Quaking Aspen	poor	Remove
12	8	Black Cherry	poor	Remove
13	7	Green Ash	poor	Remove
17	6	Green Ash		Remove
83	8	Box Elder	poor	Remove
84	8	Black Cherry	poor	Remove
312	28	Slippery Elm	splitting	Remove
313	6	White Ash		Remove
314	9.5	White Ash		Remove
1703	13	Green Ash		Remove
1704	7	Green Ash		Remove
1705	7	Green Ash		Previously Removed
1706	12	Box Elder		Previously Removed
1707	19	Cottonwood	poor	Remove
1716	12	Box Elder	poor	Remove
1717	10	Siberian Elm		Remove
1718	6	Siberian Elm	poor	Previously Removed
1719	7	Box Elder		Previously Removed
1729	9	Box Elder	poor	Remove
1731	10	Box Elder	poor	Remove
1732	8	Box Elder	poor	Remove
1734	8	Box Elder	poor	Remove
1742	8	Quaking Aspen		Previously Removed
1743	9	Quaking Aspen		Previously Removed
1752	6	Quaking Aspen	poor	Remove
1754	7	Quaking Aspen	poor	Remove
1755	6	Green Ash		Remove
1756	7	Green Ash		Remove
1757	10	Quaking Aspen	poor	Remove
1759	9	Quaking Aspen	poor	Remove
1763	9	Quaking Aspen	poor	Remove
1764	8	Green Ash	dead	Remove
1766	10	Quaking Aspen	dead	Remove
1767	9	Quaking Aspen	poor	Remove
1778	7	Quaking Aspen	poor	Remove
1780	15	Quaking Aspen	poor	Remove
1781	6	Green Ash		Remove
1782	6	Quaking Aspen		Previously Removed
1783	7	Quaking Aspen		Previously Removed
1787	12	Quaking Aspen	poor	Remove
1789	10	Box Elder		Previously Removed
1796	7	Quaking Aspen	poor	Remove
1874	6	Black Cherry	poor	Remove
1876	6	Quaking Aspen	poor	Remove
1877	6	Quaking Aspen	poor	Remove

TOTAL DBH REMOVED - EXCLUDED	406.5

Tree Removals Included in Forest Management Plan

Tag	DBH	Species	Notes	Status
1	6	Quaking Aspen		Remove
2	6	Quaking Aspen		Remove
3	7	Black Cherry		Remove
4	6	Quaking Aspen		Remove
6	6	Quaking Aspen		Remove
7	7	Quaking Aspen		Remove
8	8	Quaking Aspen		Remove
9	6	Quaking Aspen		Remove
10	7	Quaking Aspen		Remove
14	7	Black Cherry		Remove
18	10	Black Cherry		Remove
19	6	Apple		Remove
20	6	Apple		Remove
34	6	Apple		Remove
70	21	Red Oak		Remove
77	6	Black Cherry		Remove
78	8	American Elm		Remove
79	9	Black Cherry		Remove
80	12	Black Cherry		Remove
81	6	Black Cherry		Remove
82	7	Black Cherry		Remove
85	10	Black Cherry		Remove
86	7	Box Elder		Remove
87	7	Black Cherry		Remove
88	6	Bur Oak		Remove
89	8	Black Cherry		Remove
301	8	Bur Oak		Remove
302	16	Cottonwood		Remove
315	22	Cottonwood		Remove
316	7	Black Cherry		Remove
1701	21	Cottonwood		Remove
1708	7	Cottonwood		Remove
1709	6	Cottonwood		Remove
1712	35	Cottonwood		Remove
1714	6	Box Elder		Remove
1715	18	Cottonwood		Remove
1720	6	Black Cherry		Remove
1721	7	Black Cherry		Remove
1722	7	Black Cherry		Remove
1723	13	Box Elder		Remove
1724	7	Black Cherry		Remove
1726	8	Box Elder		Remove
1727	7	Black Cherry		Remove
1728	6	Black Cherry		Remove
1736	6	Box Elder		Remove
1737	14	Black Cherry		Remove
1738	8	Box Elder		Remove
1739	8	Quaking Aspen		Remove
1740	9	Quaking Aspen		Remove
1741	8	Quaking Aspen		Remove
1744	6	Box Elder		Remove
1745	12	American Elm		Remove
1746	8	Quaking Aspen		Remove
1747	9	Black Cherry		Remove
1748	9	Quaking Aspen		Remove
1749	10	Quaking Aspen		Remove
1750	10	Black Cherry		Remove
1751	8	Quaking Aspen		Remove
1761	7	Quaking Aspen		Remove
1762	7	Quaking Aspen		Remove
1765	10	Quaking Aspen		Remove
1768	10	Quaking Aspen		Remove
1769	8	Quaking Aspen		Remove
1777	10	Quaking Aspen		Remove
1784	10	Black Walnut		Remove
1786	8	Box Elder		Remove
1788	10	Quaking Aspen		Remove
1790	10	Quaking Aspen		Remove
1791	10	Quaking Aspen		Remove
1794	11	Black Walnut		Remove
1795	9	Quaking Aspen		Remove
1797	9	Quaking Aspen		Remove
1878	6	Quaking Aspen		Remove
1879	7	Quaking Aspen		Remove
1880	7	Quaking Aspen		Remove
1881	7	Quaking Aspen		Remove
1882	6	Quaking Aspen		Remove

Tag	DBH	Species	Notes	Status
1883	9	Quaking Aspen		Remove
1884	6	Quaking Aspen		Remove
1885	6	Quaking Aspen		Remove
1889	13	Black Cherry		Remove
1891	12	Red Oak		Remove

TOTAL DBH REMOVED - INCLUDED	741.0
TOTAL DBH TO BE REPLACED	555.8
HERITAGE TREES REMOVED	1

# of replacement 2.5" trees	222

CITY OF MENDOTA HEIGHTS FOREST MITIGATION NOTES

1. Significant tree means a healthy tree measuring a minimum of six inches in diameter for deciduous trees, 10 feet in height for conifer trees, and is not considered hazardous.
2. Heritage tree means a tree of any native species or cultivar of a native species that is 24 inches in diameter or greater, excluding invasive species.
3. The applicant shall post a tree replacement escrow with the City. For every heritage tree preserved on site, the escrow may be reduced by $250.00.
4. If seven (7) or more total significant or heritage trees on the property are removed, the applicant shall mitigate all significant and heritage tree inches measured at DBH at a rate of 75%. Example: 84 DBH inches removed x .75 = 63 DBH inches required to be replaced.
5. Trees shall not be planted within 10 feet of property lines without written permission of the affected adjacent property, nor shall trees be planted at lot corners in a way that obstructs a driver's line of sight. If compliance with the tree replacement requirement is not feasible, the City may approve alternative tree replacement measures, including the planting of trees at an alternate site. The alternate site must be public land, and at the choice of the city. The city may require post-construction tree care.
6. In order to preserve diversity and provide protection from tree disease and pests; where ten or more replacement trees are required, not more than 20 percent shall be of the same family, not more than 10 percent of the same genus, and not more than 5 percent of the same species, unless approved by the City. Tree species of the genus Acer shall be limited to 10 percent of total replacement trees planted, due to its over-abundance in the City's forest canopy. A minimum of 50 percent of replacement trees must be species native to Minnesota or recommended by the Department of Natural Resources or University of Minnesota Extension.
7. When replacement trees are required, replacement trees shall be no less than a one-caliper inch deciduous or six-foot height conifer tree unless approved by the City. No more than three consecutive trees of the same species may be planted in a continuous row, including around corners and in groupings.

FOREST MANAGEMENT PLAN

1. Contact responsible for tree preservation during the course of the project:

   Spencer McMillan

   1707 Delware Avenue

   Mendota Heights, MN 55118

   (715) 698-7114
2. Tree replacement escrow reduction = 11 heritage trees preserved x $250 = $2,750
3. Onsite replacement of the total DBH to be replaced is not feasible as the remainder of the property is fully forested. We have intentionally not prepared a replacement landscape plan and will complete an off-site tree replacement agreement with the City.

TREE SURVEY NOTES

1. Tree removals excluded from forest mitigation plan calculations due to ash and Siberian elm tree species, poor tree condition, or being previously removed since tree survey was complete and forest mitigation plan submittal.
2. Poor tree condition denotes that the tree has less than 50% of a healthy crown remaining from diseased or dying tree due to age.

MIDWEST WETLAND improvements
P.O. BOX 448
VICTORIA, MN 55386
PHONE: (952) 261-9990
WWW.MIDWESTWETLANDS.COM

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Lucius Jonett

LICENSE NO.: 52856

DATE: 04-18-2025

ISSUE NO.:	DESCRIPTION:	DATE:
01	PRELIMINARY PLAT SUBMITTAL	04/18/2025

PROJECT TITLE:
McMILLAN ESTATES
MENDOTA HEIGHTS, MN

CLIENT:
SPENCER McMILLAN
1707 DELAWARE AVENUE
MENDOTA HEIGHTS, MN 55118
PHONE: (715) 698-7114

PROJECT NO.: B0029-0001

DWN BY:	CHK'D BY:	APP'D BY:
HRM	LNJ	LNJ

ISSUE DATE: 04-18-2025

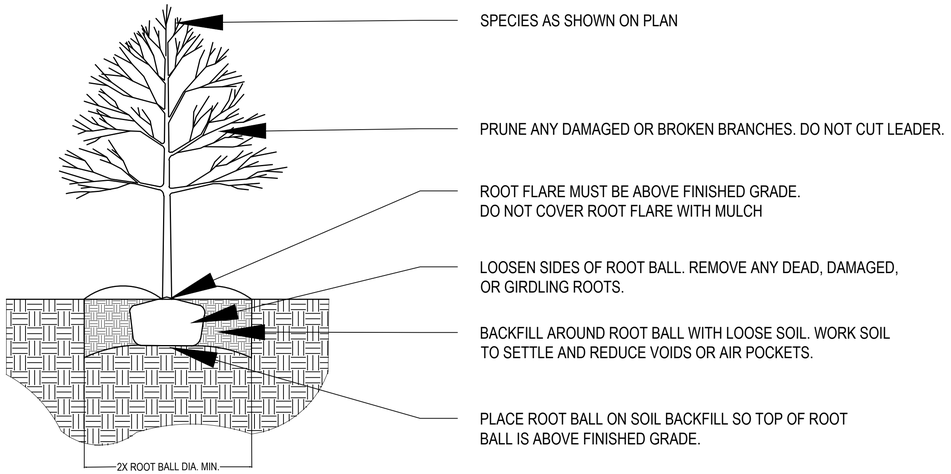
ISSUE NO.: 01

SHEET TITLE:
FOREST MITIGATION PLAN - TREES REMOVED

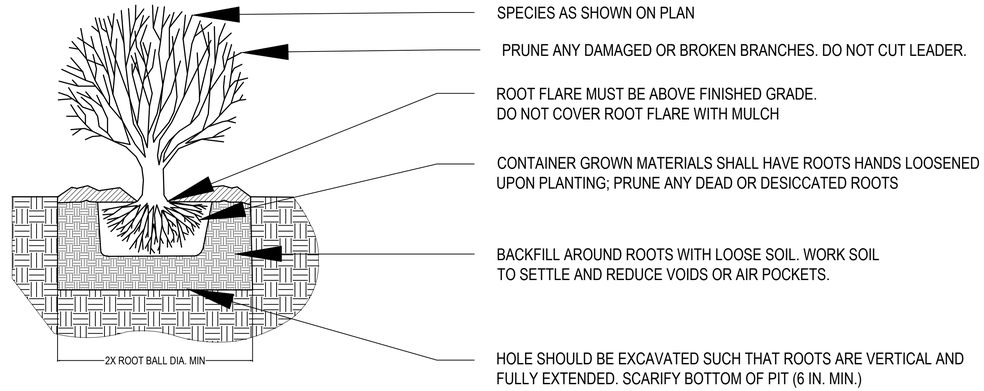
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L-101

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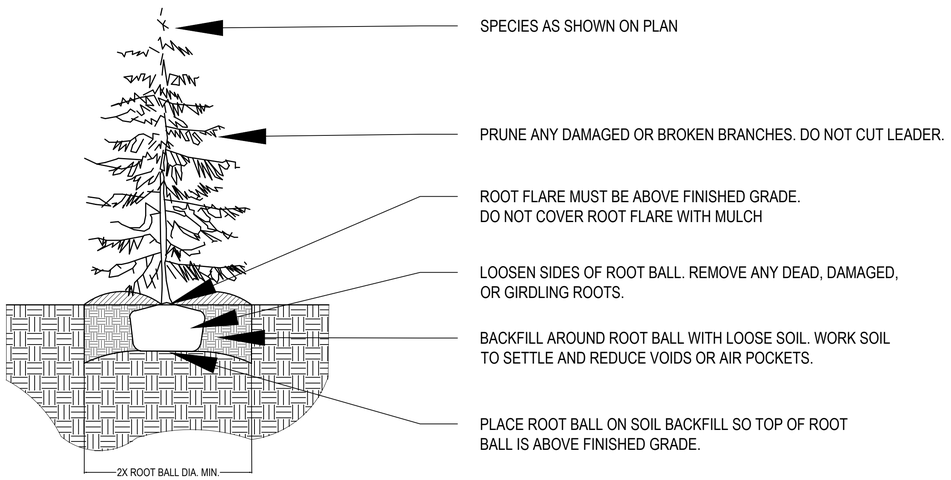
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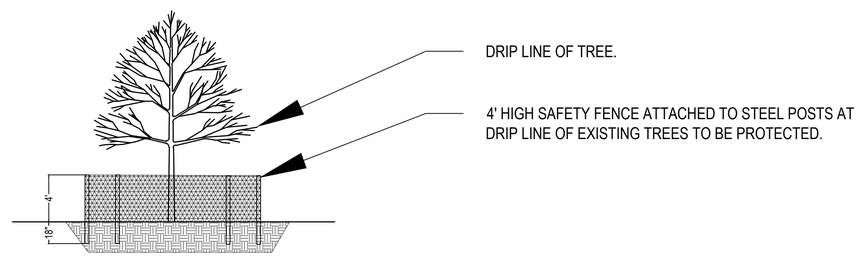
1 L-110 DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



2 L-110 SHRUB & CONTAINER PLANTING DETAIL
NOT TO SCALE



3 L-110 CONIFEROUS TREE PLANTING DETAIL
NOT TO SCALE



4 L-110 TREE PROTECTION FENCE DETAIL
NOT TO SCALE

MIDWEST WETLAND improvements
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VICTORIA, MN 55386
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WWW.MIDWESTWETLANDS.COM

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Lucius Jonett

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DATE: 04-18-2025

DATE:	DESCRIPTION:	ISSUE NO.:
04/18/2025	PRELIMINARY PLAT SUBMITTAL	01

PROJECT TITLE:

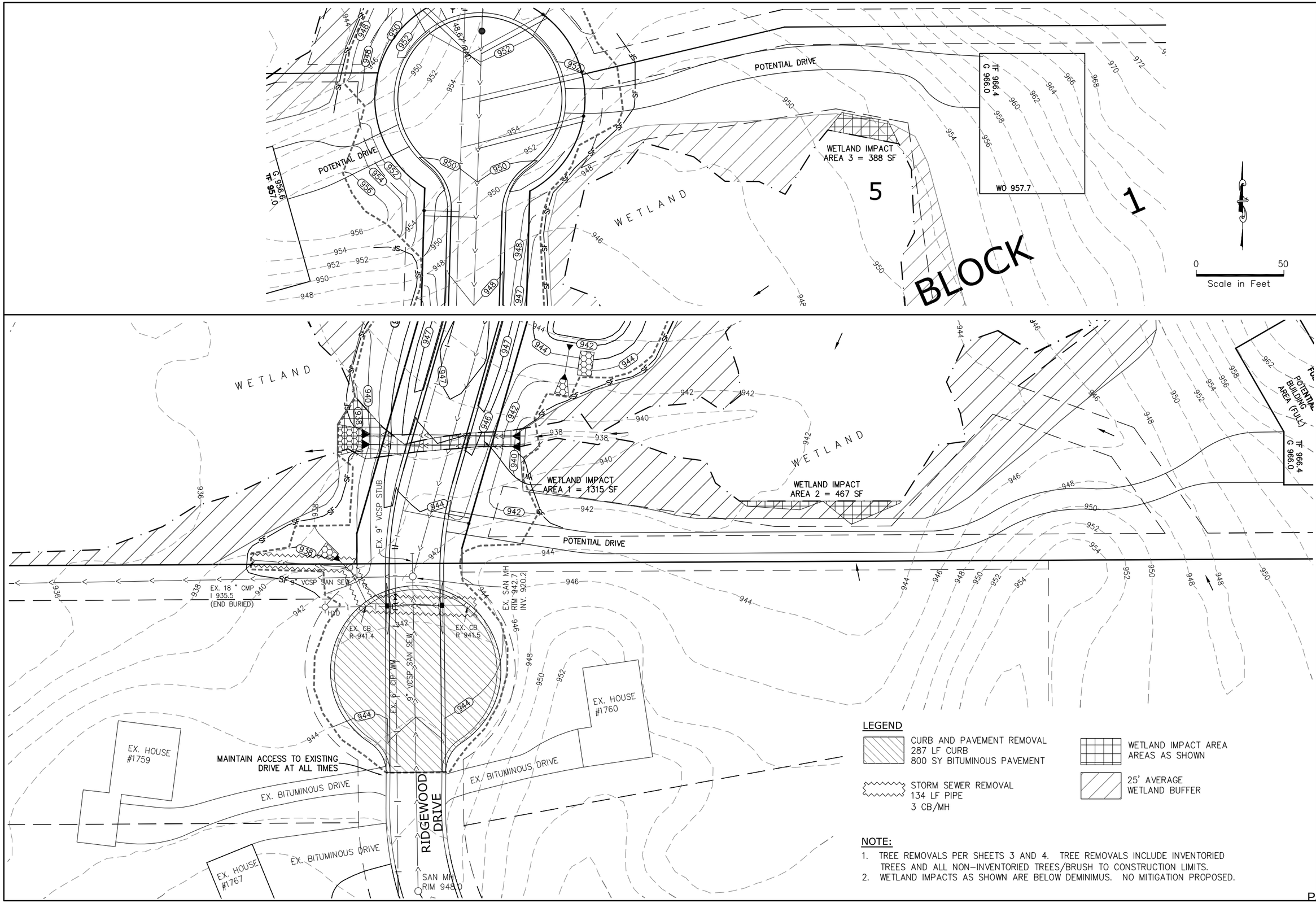
McMILLAN ESTATES
MENDOTA HEIGHTS, MN

CLIENT:

SPENCER McMILLAN
1707 DELAWARE AVENUE
MENDOTA HEIGHTS, MN 55118
PHONE: (715) 698-7114

PROJECT NO.:	B0029-0001
DWN BY: HRM / CHK'D BY: LNJ / APP'D BY: LNJ	
ISSUE DATE:	04-18-2025
ISSUE NO.:	01
SHEET TITLE:	LANDSCAPE DETAILS
SHEET NO.:	L-110

D:\Midwest Wetland Improvements, LLC\Midwest Wetlands - OneDrive - MWI\Projects\0029 McMillan, Spencer\0001 - Sullivan Estates\5_DESIGN2_ CAD\3 PLANS\SHEETS\L-110 Landscape Details.dwg



LEGEND

- CURB AND PAVEMENT REMOVAL
  287 LF CURB
  800 SY BITUMINOUS PAVEMENT
- STORM SEWER REMOVAL
  134 LF PIPE
  3 CB/MH
- WETLAND IMPACT AREA
  AREAS AS SHOWN
- 25' AVERAGE
  WETLAND BUFFER

NOTE:

1. TREE REMOVALS PER SHEETS 3 AND 4. TREE REMOVALS INCLUDE INVENTORIED TREES AND ALL NON-INVENTORIED TREES/BRUSH TO CONSTRUCTION LIMITS.
2. WETLAND IMPACTS AS SHOWN ARE BELOW DEMINIMUS. NO MITIGATION PROPOSED.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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PRELIMINARY – NOT FOR CONSTRUCTION

CURTISS J. KALLIO

DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:

Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:

Removal Plan and Wetland Impacts
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO: 202142

SHEET C6

SEE SHEET 8

24" FES I 941.2

24" RCP

0.70%

WETLAND

AND UTILITY EASEMENT

CB-4

12" RCP

LP 946.71

CBMH-3

12" FES I 942.0

INFILTRATION BASIN BOTTOM 941.2 HWL 942.91

RIPRAP STILLING BASIN SEE DETAIL SHEET 11

B3

12" FES I 942.0

12" RCP

HP 947.40

12" FES I 941.8

EOF, SEE DETAIL SHEET 11

DRAINAGE AND UTILITY EASEMENT

2-30" FES I 937.2

2 LINES 30" RCP

2-30" FES I 937.7

B4

B1

15" FS I 937.56

B2

5.02%

EX. 9" VCSP STUB

POTENTIAL DRIVE

15' DRAINAGE & UTILITY EASEMENT FOR FUTURE SERVICES TO LOTS ALONG DELARWARE AVE.

FUTURE 36" MIN. CULVERT BY OWNER OF LOT 6

6

POTENTIAL BUILDING AREA (FULL)

FULL 957.7

TF 966.4

G 966.0

5" VCSP SAN SEW

CBMH-1

15" RCP

CB-2

EX. SAN MH RIM 942.7 INV. 920.2

EX. 6" CIP WM

9" VCSP SAN SEW

RIDGEWOOD DR.

EX. HOUSE #1760

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

HOUSE

GRADING AND DRAINAGE NOTES

1. THE HOUSE LOCATIONS AS SHOWN ARE POTENTIAL. THE FINAL HOUSE LOCATIONS, GRADING, AND IMPACTS WILL BE SUBMITTED AT THE TIME OF HOME CONSTRUCTION.
2. THE TOTAL ESTIMATED DISTURBED AREA IS 1.8 ACRES. A SWPPP WILL BE PROVIDED AS A STAND ALONE DOCUMENT THAT REFERENCES THESE PLANS.
3. THE ESTIMATED INCREASE IN IMPERVIOUS AREA FOR THE STREET CONSTRUCTION IS 0.43 ACRES. AN ADDITIONAL 1.0 ACRE OF IMPERVIOUS IS ESTIMATED FOR IMPROVEMENTS TO LOTS 1, 2, 3, 5, AND 6. STORMWATER TREATMENT FOR INDIVIDUAL LOT IMPROVEMENTS WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION.

LEGEND

- 938 — Existing Contour
- 940 — Proposed Contour
- Construction Limits
- Building Setback
- Easement
- XXX.X Proposed Elevation
- XXX.X Existing Elevation
- Surface Drainage
- Soil Boring
- Inlet Protection
- 25' Average Wetland Buffer

0 50 Scale in Feet

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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PRELIMINARY — NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

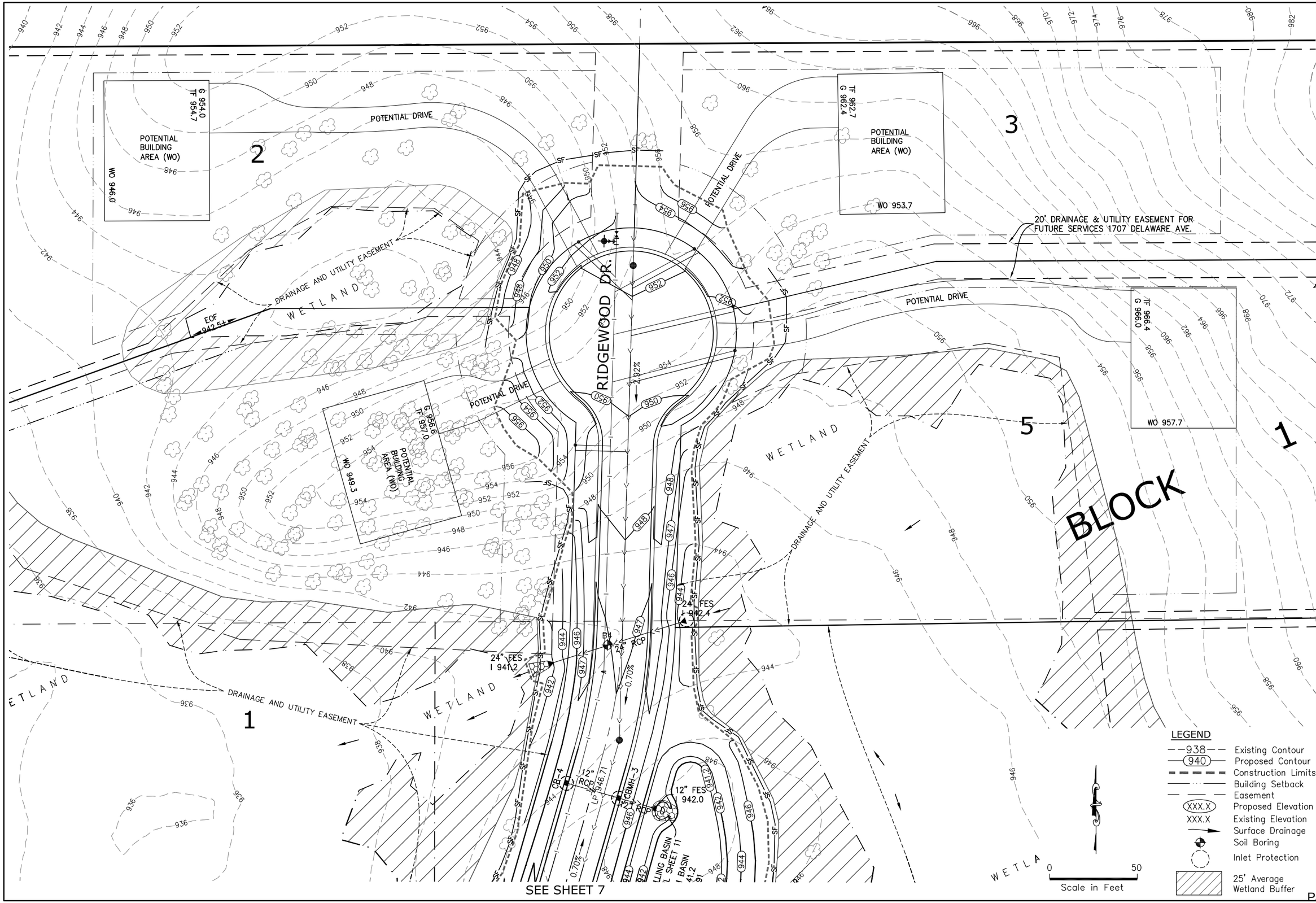
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Grading, Drainage, and Erosion Control Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO: 202142

SHEET C7



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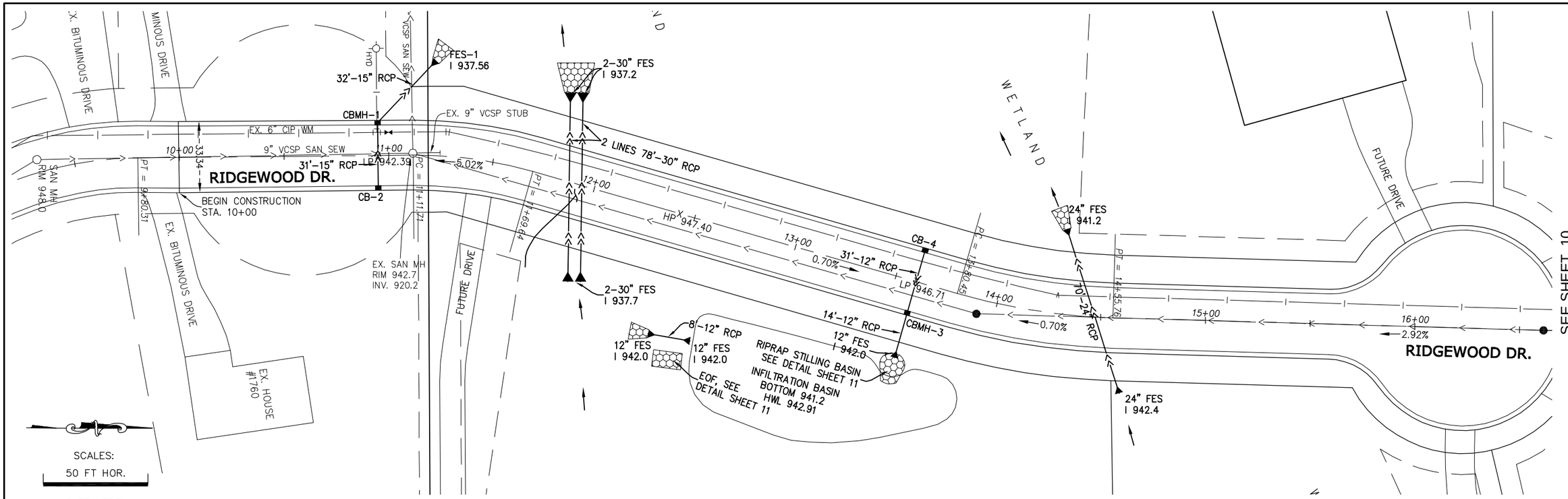
PREPARED FOR:
Spencer McMillan
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Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Grading, Drainage, and Erosion Control Plan
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO: 202142

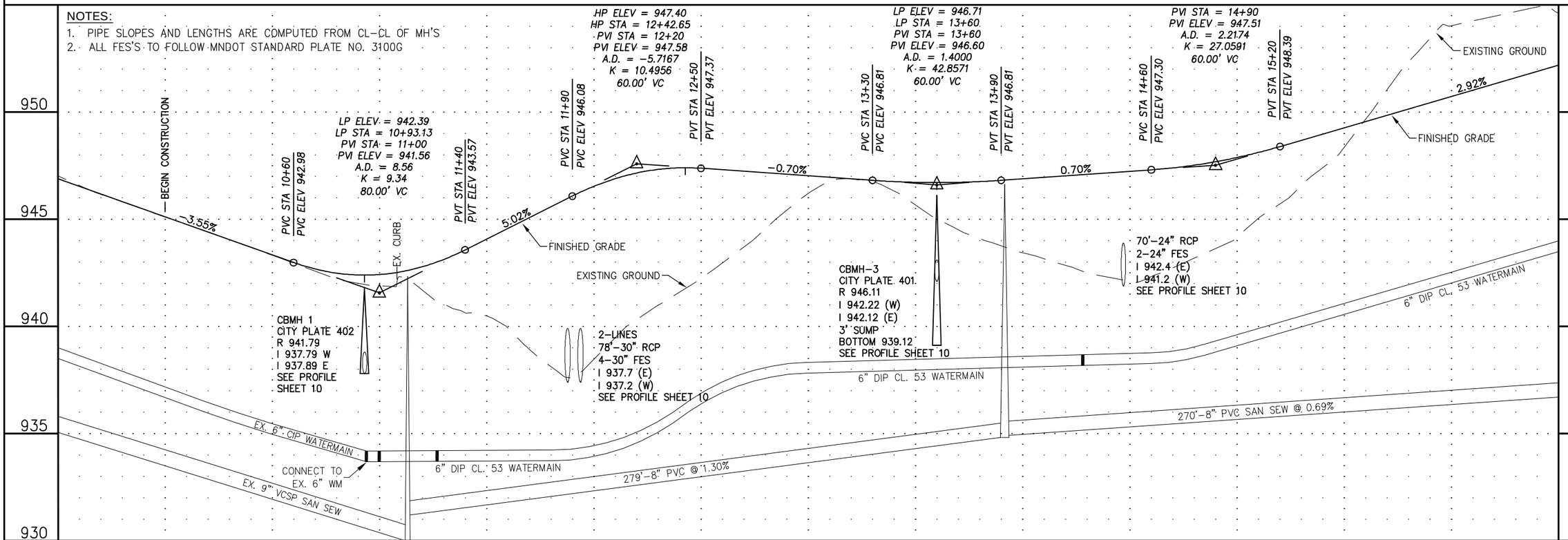
SHEET C8



SEE SHEET 10

RIDGEWOOD DRIVE

NOTES:
1. PIPE SLOPES AND LENGTHS ARE COMPUTED FROM CL-CL OF MH'S
2. ALL FES'S TO FOLLOW MNDOT STANDARD PLATE NO. 3100G



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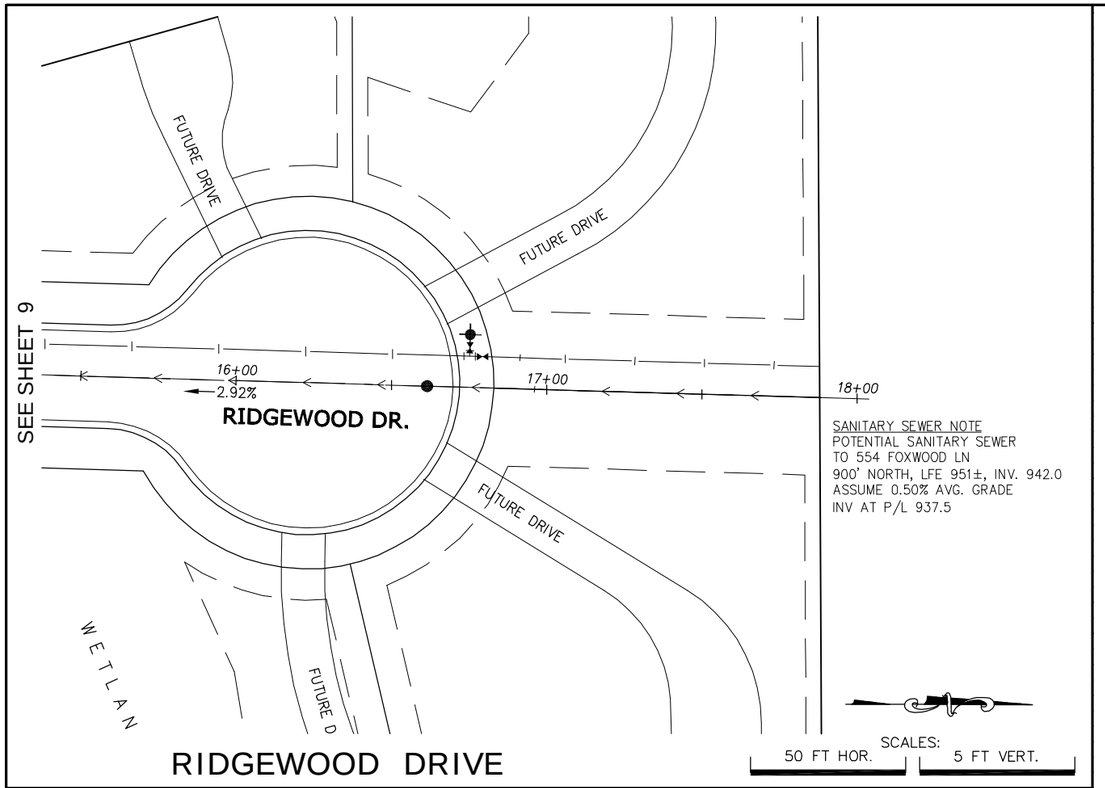
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Street and Storm Sewer Plan
MCMILLAN ESTATES
Mendota Heights, MN

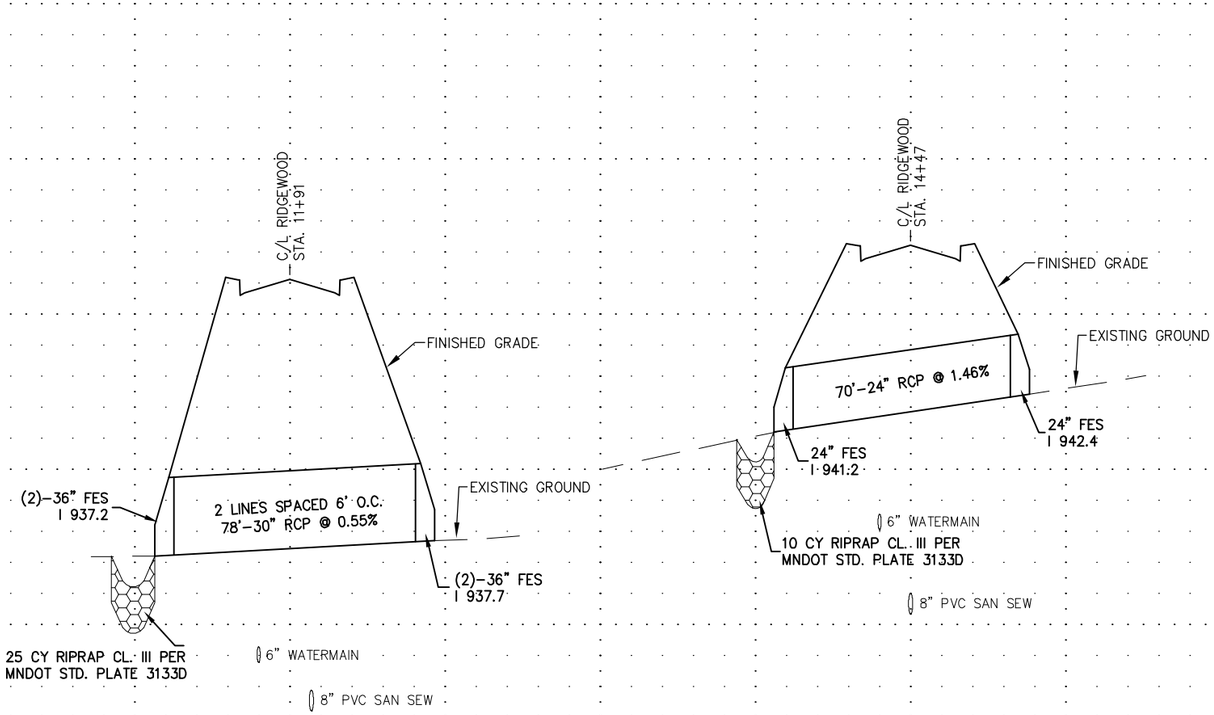
DATE	REVISION	BY

PROJECT NO:
202142

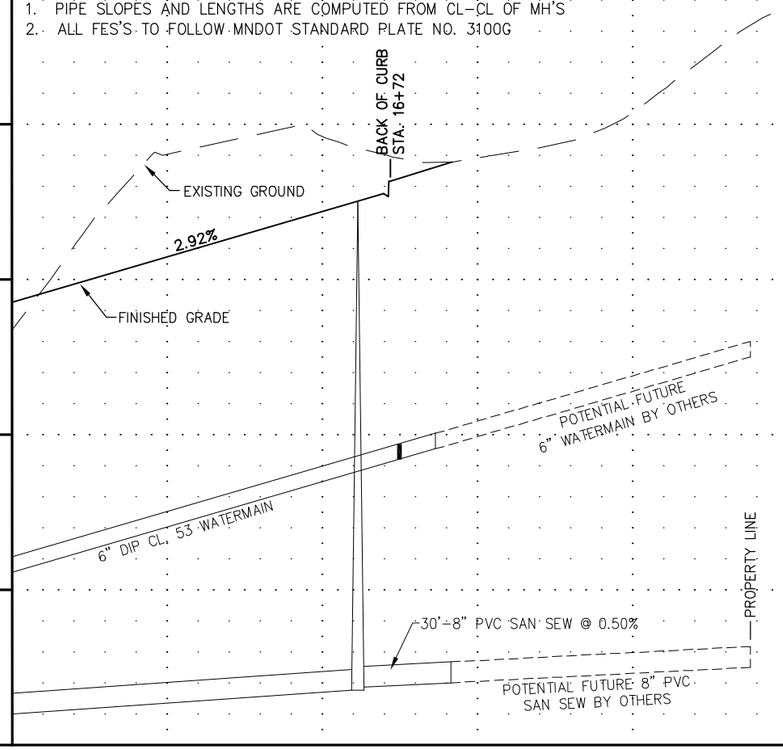
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C9

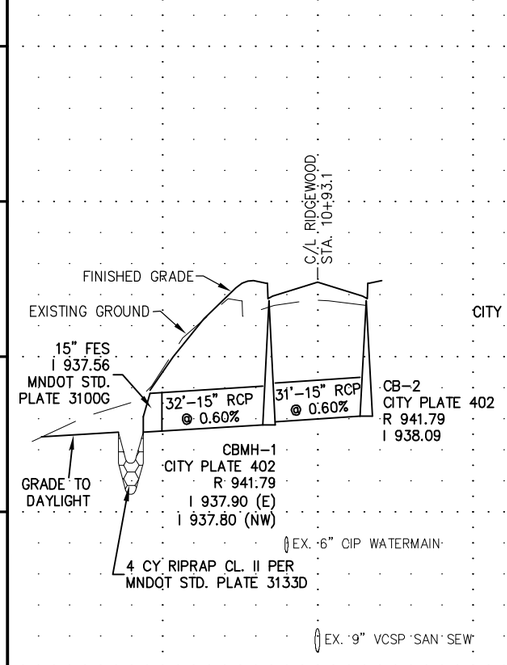


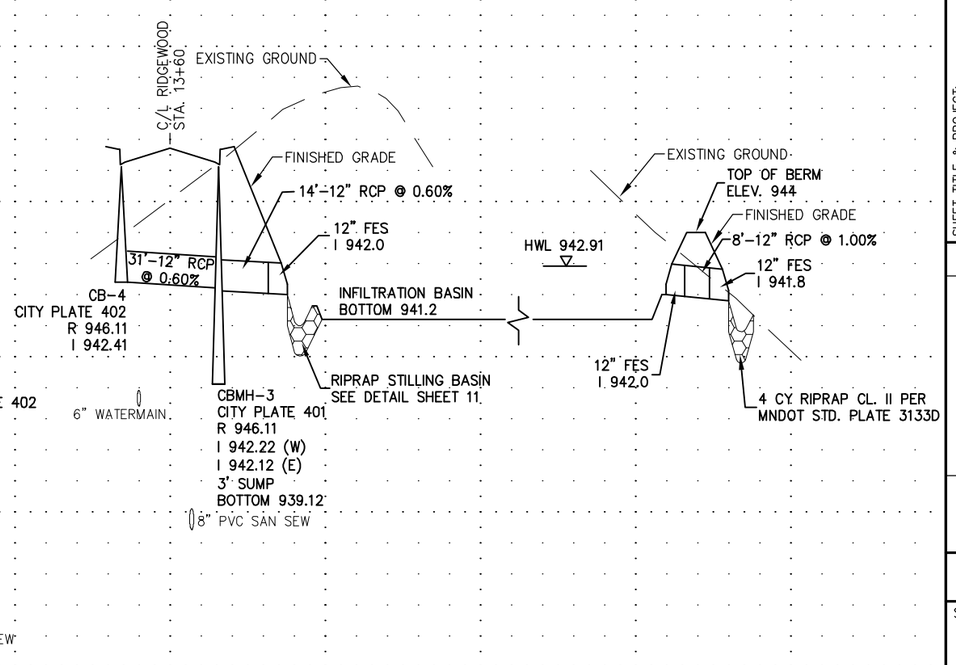
RIDGEWOOD DRIVE



NOTES:
1. PIPE SLOPES AND LENGTHS ARE COMPUTED FROM CL-CL OF MH'S
2. ALL FES'S TO FOLLOW MNDOT STANDARD PLATE NO. 3100G







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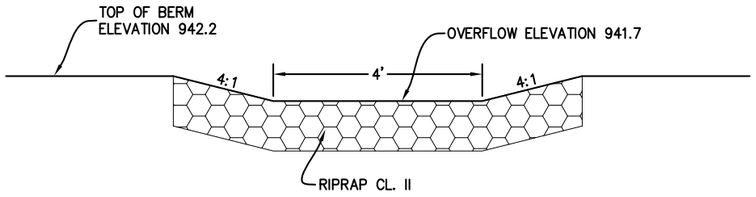
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Street and Storm
Sewer Plan
MCMILLAN ESTATES
Mendota Heights, MN

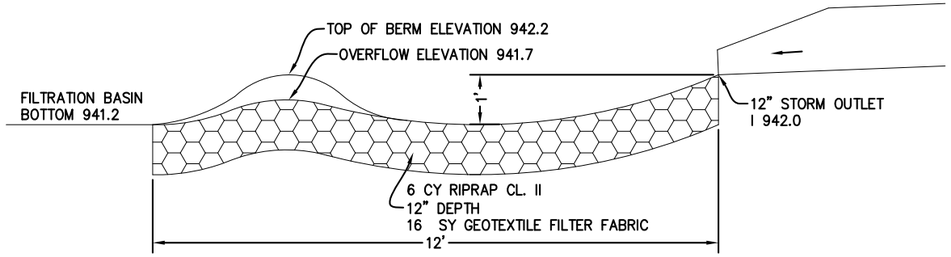
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PROJECT NO:
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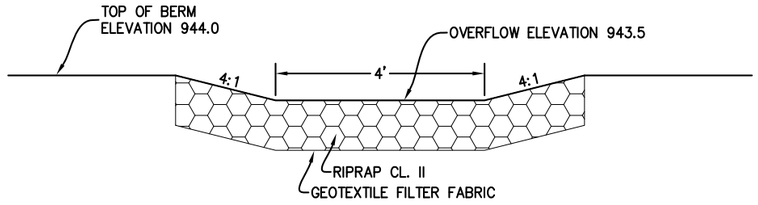
SHEET
C10



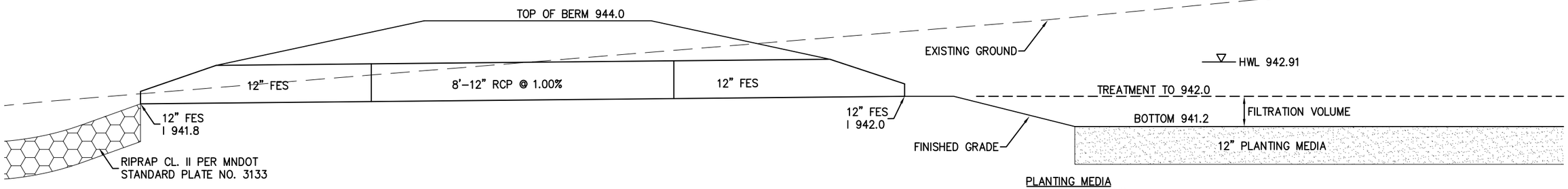
STILLING BASIN OVERFLOW SECTION



STILLING BASIN OVERFLOW PROFILE



INFILTRATION BASIN EMERGENCY OVERFLOW



PLANTING MEDIA
70% WASHED SAND
30% MNDOT GRADE 2 COMPOST

CONSTRUCTION NOTES:
1. AVOID COMPACTION DURING EXCAVATION.
2. ENGINEER TO VERIFY INFILTRATION BASIN BOTTOM PRIOR TO PLACED PLANTING MEDIA.
3. SEED FILTRATION BASIN TO ELEV. 942.0 WITH MNDOT 33-261 SEED MIXTURE AT 35 LB/ACRE. STABILIZE WITH EROSION CONTROL BLANKET CAT. 25 W/NATURAL NETTING

INFILTRATION BASIN PROFILE AND OUTLET

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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PRELIMINARY - NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Infiltration Basin Details
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C11

GENERAL NOTE:

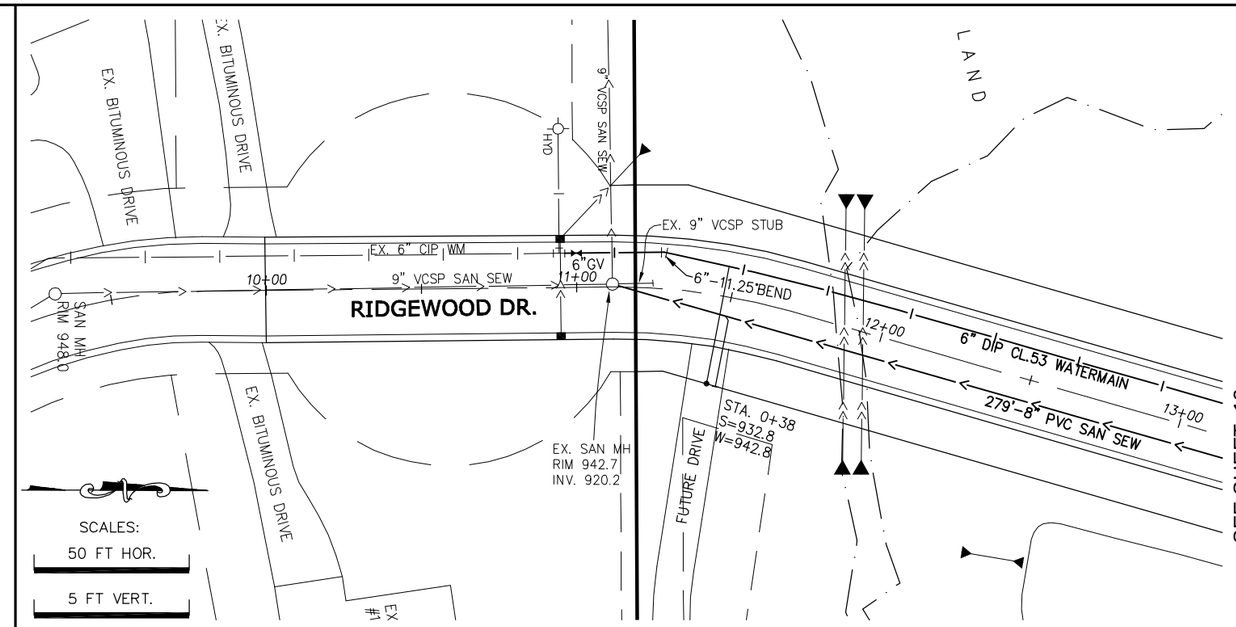
WATER AND SEWER SERVICES WILL BE EXTENDED TO THE PROPOSED HOMES BY OTHERS. POTENTIAL FUTURE CONNECTIONS ARE SHOWN ON SHEETS 14 AND 15.

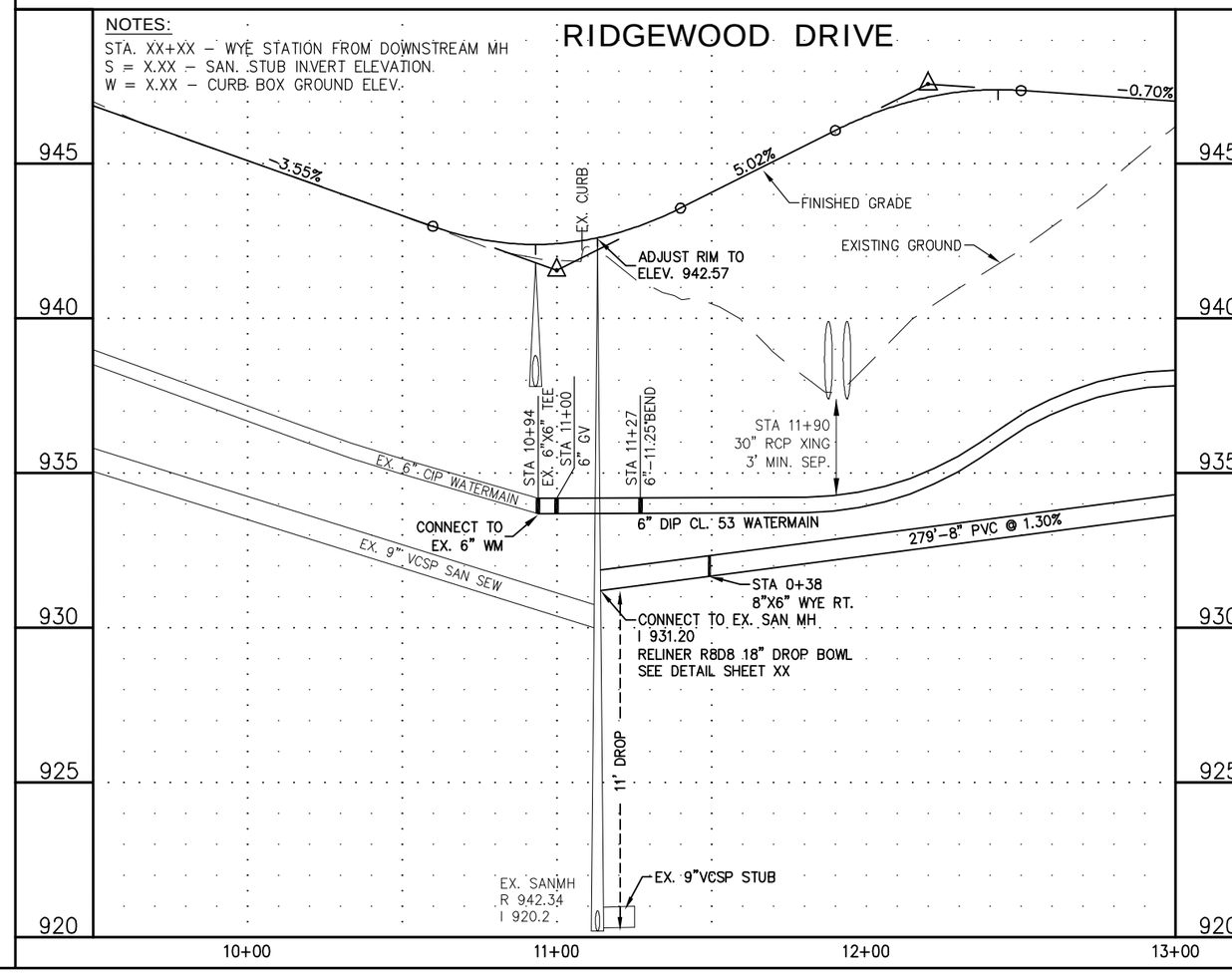
SANITARY SEWER NOTES:

1. ALL MATERIALS AND INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CITY'S GENERAL SPECIFICATIONS AND STANDARD DETAIL PLATES.
2. SEWER SERVICES WILL BE EXTENDED TO THE RIGHT OF WAY AS SHOWN.
3. SANITARY SERVCES SHALL BE 6" PVC SCHEDULE 40 AT 2% MIMINUM GRADE. SERVICES ARE STATIONED FROM THE DOWNSTREAM MH.
4. DUE TO THE DISTANCE OF THE PROPOSED HOMES FROM THE RIGHT OF WAY, THE SANITARY SEWER DEPTHS AT THE STUBS ELEVATIONS SHALL BE AS SHOWN.
5. SANITARY SERVICE CLEANOUTS WITH RISER ARE REQUIRED AT 100' INTERVALS AS SHOW IN CITY DETAIL NO. 206.

ST. PAUL REGIONAL WATER SERVICES (SPRWS) NOTES:

1. WATER SERVICES TO BE INSTALLED ACCORDING TO SPRWS "STANDARDS FOR THE INSTALLATION OF WATER MAINS.
2. A FOUR-SIDED TRENCH BOX IS REQUIRED ON ALL EXCAVATIONS DEEPER THAN 5 FEET WHERE UNDERGROUND WORK OR INSPECTION IS TO BE PERFORMED BY SPRWS. LADDERS ARE REQUIRED AND MUST EXTEND 3 FEET ABOVE THE SURFACE OF THE TRENCH. SIDEWALKS, PAVEMENTS, DUCTS AND APPURTENANT STRUCTURES SHALL NOT BE UNDERMINED UNLESS A SUPPORT SYSTEM OR ANOTHER METHOD OF PROTECTION IS PROVIDED. TRENCHES IN EXCESS OF 20 FEET IN DEPTH MUST BE SIGNED OFF BY A REGISTERED PROFESSIONAL ENGINEER. EXCAVATED MATERIAL MUST BE KEPT A MINIMUM OF 2 FEET FROM THE EDGE OF THE TRENCH.
3. MAINTAIN 8 FEET OF COVER OVER ALL WATER MAINS AND SERVICES.
4. PIPE MATERIAL FOR 6" AND 4" DUCTILE IRON PIPE MUST BE CLASS 53. THE EXTERIOR OF DUCTILE IRON PIPE SHALL BE COATED WITH A LAYER OF ARC-SPRAYED ZINC PER ISO 8179. THE INTERIOR CEMENT MORTAR LINING SHALL BE APPLIED WITHOUT ASPHALT SEAL COAT.
5. PIPE MUST BE WRAPPED IN V-BIO POLYWRAP ENCASEMENT.
6. MAINTAIN 3 FEET VERTICAL SEPARATION BETWEEN WATER AND SEWER PIPES OR A 12 INCH SEPARATION WITH 4 INCH HIGH DENSITY INSULATION PER SPRWS STANDARD PLATE D-10 FOR TYPICAL WATER MAIN OFFSETS.
7. REFER TO SPRWS "STANDARDS FOR THE INSTALLATION OF WATER MAINS" STANDARD PLATE D-11 FOR RESTRAINED PIPE REQUIREMENT.
8. ALL WATER SERVICE VALVE BOXES WITHIN CONSTRUCTION AREA MUST BE EXPOSED AND BROUGHT TO GRADE UPON COMPLETION OF CONSTRUCTION. ALL PIPE WORK INSIDE OF PROPERTY TO BE PERFORMED BY A PLUMBER LICENSED BY THE STATE OF MINNESOTA AND CERTIFIED BY THE CITY OF SAINT PAUL. SPRWS REQUIRES SEPARATE OUTSIDE AND INSIDE PLUMBING PERMITS FOR EACH NEW WATER SERVICE.
9. ALL UNUSED EXISTING WATER SERVICES TO BE CUT OFF BY SPRWS. EXCAVATION AND RESTORATION BY OWNER'S CONTRACTOR. NEW WATER SERVICES WILL NOT BE TURNED ON UNTIL REQUIRED CUTOFFS HAVE BEEN PERFORMED.
10. WATER FACILITY PIPEWORK WITHIN RIGHT OF WAY TO BE INSTALLED BY SPRWS. EXCAVATION AND RESTORATION BY OWNER'S CONTRACTOR.
11. THE CONTRACTOR PROVIDING EXCAVATION IS RESPONSIBLE FOR OBTAINING ALL EXCAVATION AND OBSTRUCTION PERMITS REQUIRED BY ANY GOVERNING AUTHORITY.





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Chaska, MN 55318
612-418-6828

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PRELIMINARY – NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Utility Plan
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET
C12

SEE SHEET 13

EX. 9" VCSP STUB

6"-11.25°BEND

12+00

6" DIP CL.53 WATERMAIN

279'-8" PVC SAN SEW

13+00

STA. 0+38
S=932.8
W=942.8

FUTURE DRIVE

WETLAND

6"-11.25°BEND

14+00

SMH-1

15+00

270'-8" PVC SAN SEW

RIDGEWOOD DR.

STA. 1+63
S=941.0
W=951.0

6" DIP CL.53 WATERMAIN

16+00

SMH-2

6" GV

17+00

FUTURE 6" WATERMAIN BY OTHERS

FUTURE 8" PVC SAN SEW BY OTHERS

18+00

FUTURE DRIVE

STA. 2+51
S=938.0
W=951.8

FUTURE DRIVE

FUTURE DRIVE

STA. 2+58
S=942.8
W=952.8

1707 DELAWARE
STA. 2+31
S=940.0
W=952.0

STA. 2+04
S=941.5
W=951.5

WETLAND

FUTURE DRIVE

RIDGEWOOD DRIVE

NOTES:
STA. XX+XX – WYE STATION FROM DOWNSTREAM MH
S = X.XX – SAN. STUB INVERT ELEVATION
W = X.XX – CURB BOX GROUND ELEV.

SANITARY SEWER NOTE
POTENTIAL SANITARY SEWER
TO 554 FOXWOOD LN
900' NORTH, LFE 951±, INV. 942.0
ASSUME 0.50% AVG. GRADE
INV AT P/L 937.5

SCALES:
50 FT HOR.
5 FT VERT.

950
945
940
935
930

EXISTING GROUND
2.92%
FINISHED GRADE
8.0' MIN.
STA 16+74.92
6"X6" TEE
6" GV
HYDRANT W/GV.
6" GV N. OF TEE
POTENTIAL FUTURE
6" WATERMAIN BY OTHERS
6" PLUG
-0.70%
0.70%
5.02%
FINISHED GRADE
EXISTING GROUND
8.0' MIN.
STA 14+28
6"-11.25°BEND
STA 14+47
24" RCP XING
3' MIN. SEP.
6" DIP CL. 53 WATERMAIN
SMH-2
R 952.48
I 938.37 N
I 938.27 S
4" RISER
30'-8" PVC SAN SEW @ 0.50%
PROPERTY LINE
STA 1+63
8"X6" WYE LT.
STA 2+31
8"X6" WYE RT.
STA 2+04
8"X6" WYE RT.
STA 2+51
8"X6" WYE LT.
STA 2+58
8"X6" WYE RT.
POTENTIAL FUTURE 8" PVC
SAN SEW BY OTHERS
PROPERTY LINE
I 937.5
M TO
57
STA 11+90
30" RCP XING
3' MIN. SEP.
53 WATERMAIN
279'-8" PVC @ 1.30%
270'-8" PVC SAN SEW @ 0.69%
SMH-1
R 946.62
I 934.92 N
I 934.82 S
STA 0+38
8"X6" WYE RT.
O EX. SAN MH

12+00
13+00
14+00
15+00
16+00
17+00
18+00

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Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Utility Plan
MCMILLAN ESTATES
Mendota Heights, MN

BY
REVISION
DATE

PROJECT NO:
202142

SHEET
C13

WETLAND

WETLAND

WETLAND

WETLAND

6

6" DIP CL.53 WATERMAIN

279'-8" PVC SAN SEW

6"-11.25°BEND

6"-11.25°BEND

SMH-1

14+00

13+00

12+00

11+00

10+00

STA. 0+38
S=932.8
W=942.8

FUTURE SERVICE
EXTENSIONS BY OTHERS

POTENTIAL DRIVE

FULL 957.7
POTENTIAL
BUILDING
AREA (FULL)

TF 966.4
G 966.0

EX. 9" VCSP STUB

9" VCSP SAN SEW

6" GV

HYD

EX. SAN MH
RIM 942.7
INV. 920.2

EX. 6" CIP WM

9" VCSP SAN SEW

RIDGEWOOD DR.

EX. HOUSE
#1760

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

NOTE:
FUTURE WATER AND SEWER SERVICES TO BE EXTENDED BY OTHERS AND SHOWN FOR INFORMATIONAL PURPOSES ONLY.

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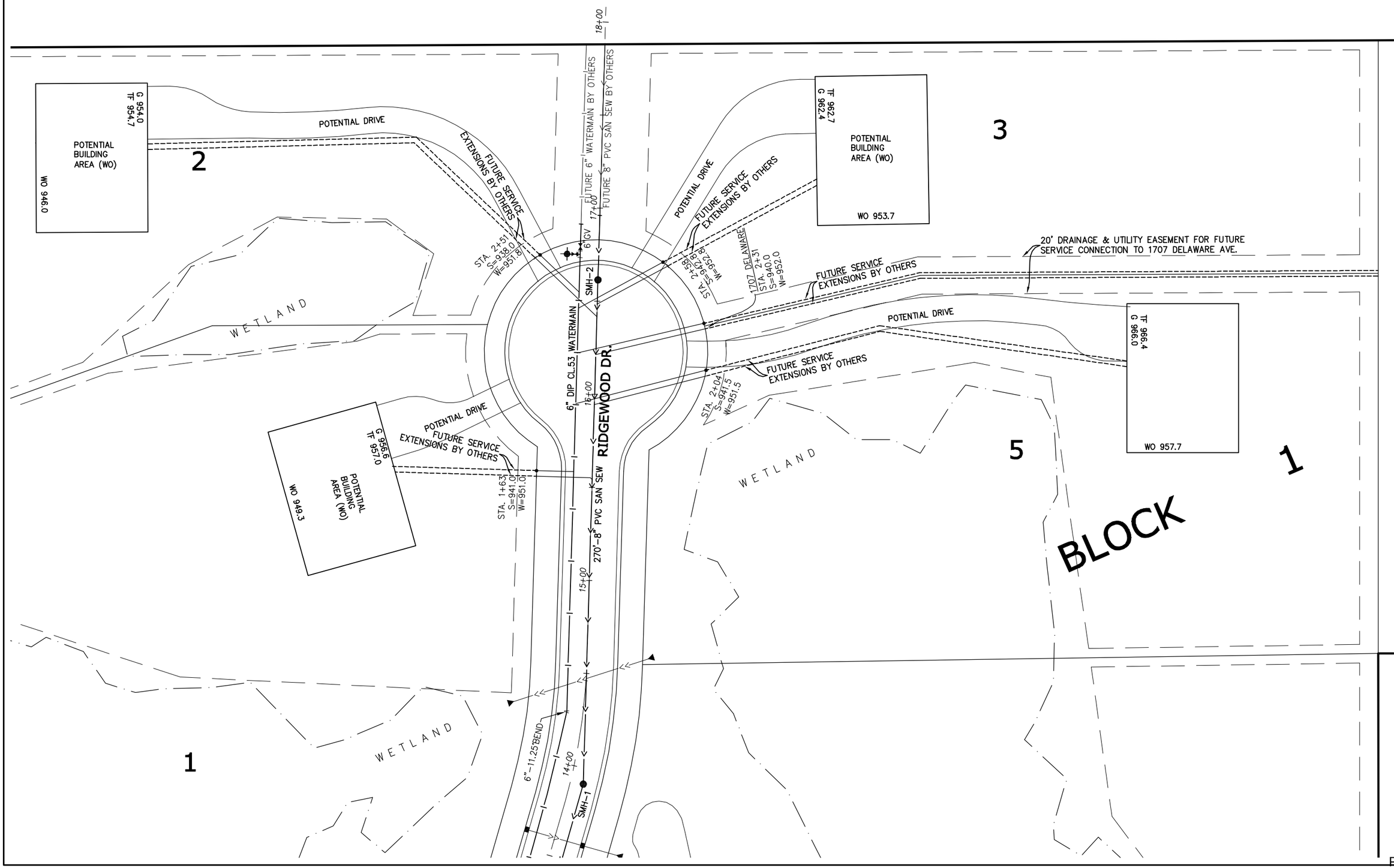
SHEET TITLE & PROJECT:
Future Utility Services
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C14

NOTE:
FUTURE WATER AND SEWER SERVICES TO BE EXTENDED BY OTHERS AND SHOWN FOR INFORMATIONAL PURPOSES ONLY.



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Future Utility Services
MCMILLAN ESTATES
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PROJECT NO:
202142

SHEET
C15

SEE SHEET 17

PLACE BIOROLL, TYPE COMPOST ALONG 942.5 CONTOUR IMMEDIATELY AFTER SEEDING AND STABILIATION

WETLAND

WETLAND

WETLAND

WETLAND

6

POTENTIAL BUILDING AREA (FULL)
FULL 957.7
TF 966.4
G 966.0

POTENTIAL DRIVE

EX. 9" VCSP STUB

EX. 9" VCSP SAN SEW

EX. SAN MH
RIM 942.7
INV. 920.2

EX. 6" CIP WM

9" VCSP SAN SEW

RIDGEWOOD DR.

EX. HOUSE
#1760

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

TURF ESTABLISHMENT NOTES

1. 6" minimum topsoil to placed on all areas to have turf established.
2. Seed infiltration basin to 932.5 contour with MnDOT Seed Mixture 33–261. Seed upland areas with MnDOT Seed Mixture 25–141.

EROSION CONTROL BLANKET – 5833 SY
CATEGORY 25, WOOD FIBER, NATURAL NETTING ONLY, NO STRAW BLANKET ALLOWED

PERMANENT REINFORCED MAT, ROLLED
EROSION PREVENTION CAT. 70 – 26 SY

0 50
Scale in Feet

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Chaska, MN 55318
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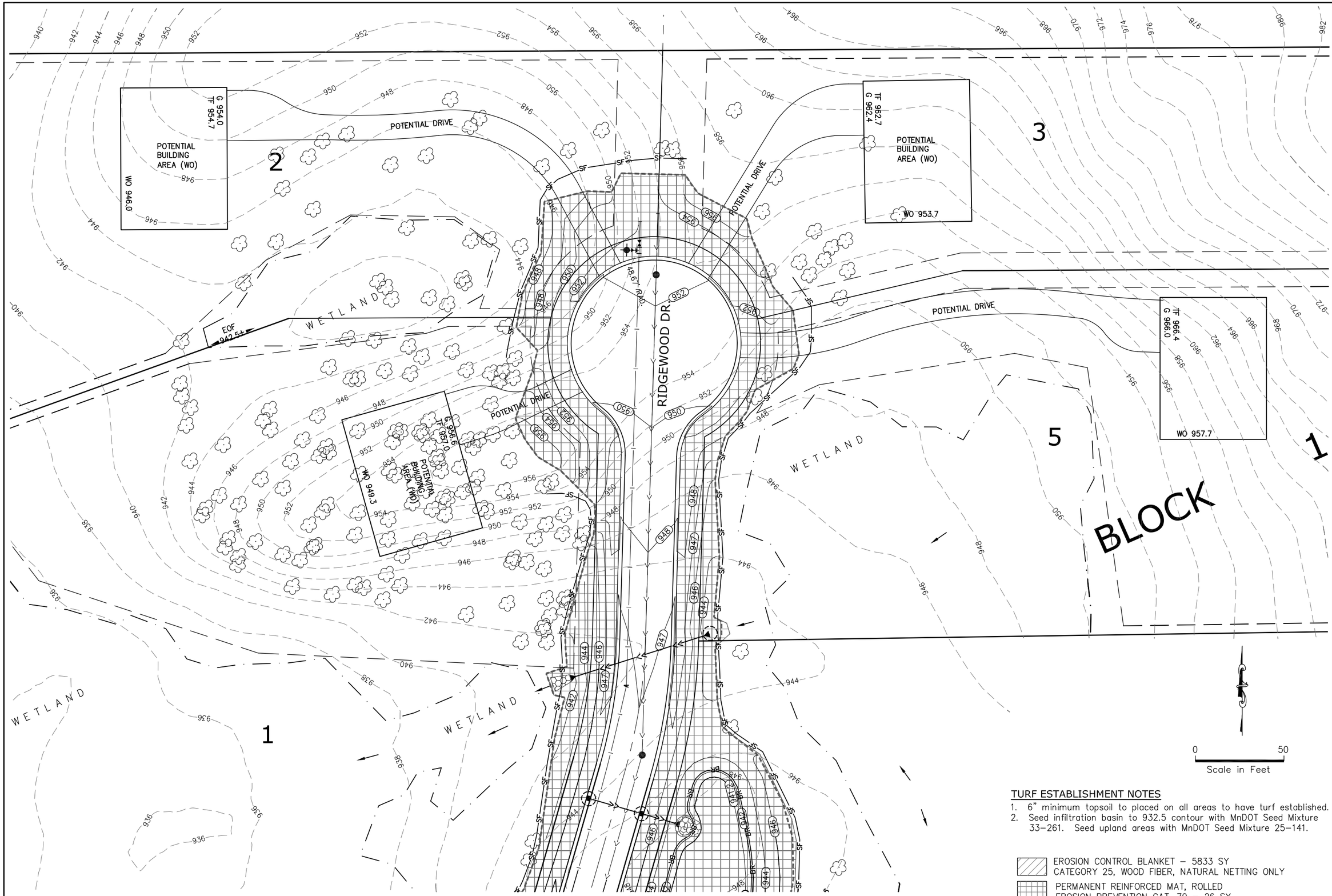
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Turf Establishment Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C16



TURF ESTABLISHMENT NOTES

1. 6" minimum topsoil to placed on all areas to have turf established.
2. Seed infiltration basin to 932.5 contour with MnDOT Seed Mixture 33-261. Seed upland areas with MnDOT Seed Mixture 25-141.

EROSION CONTROL BLANKET - 5833 SY
CATEGORY 25, WOOD FIBER, NATURAL NETTING ONLY

PERMANENT REINFORCED MAT, ROLLED
EROSION PREVENTION CAT. 70 - 26 SY

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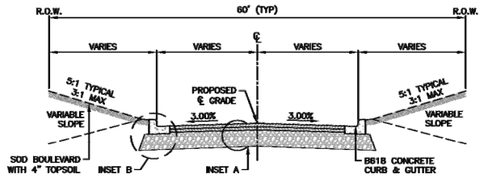
SHEET TITLE & PROJECT:
Turf Establishment Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

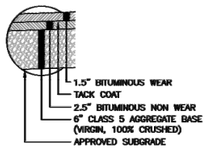
SHEET
C17

PROPOSED TYPICAL SECTION

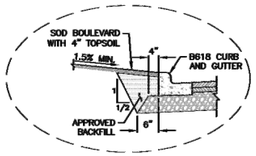


NOTE: SEE TYPICAL SECTION ON SHEET 2 FOR ADDITIONAL DETAILS

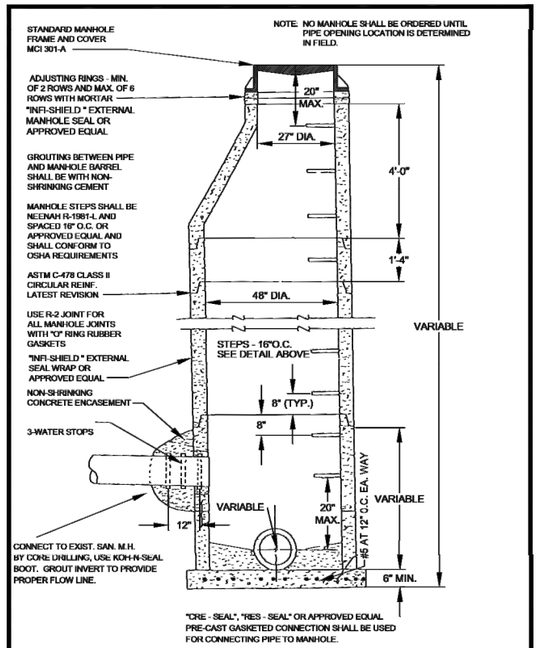
INSET A



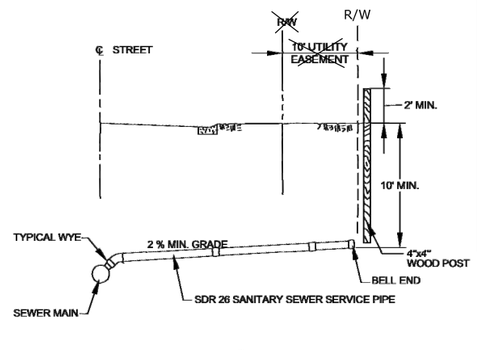
INSET B



City of Mendota Heights	TYPICAL SECTION 7 TON ROAD DESIGN	DETAIL # 1

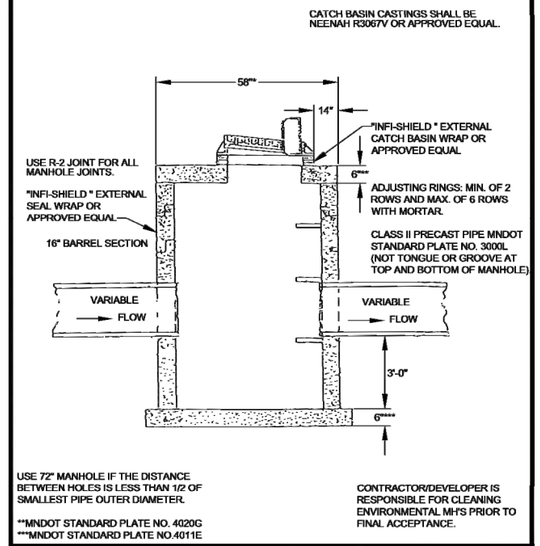


City of Mendota Heights	STANDARD MANHOLE FOR SANITARY SEWER	PLATE # 200

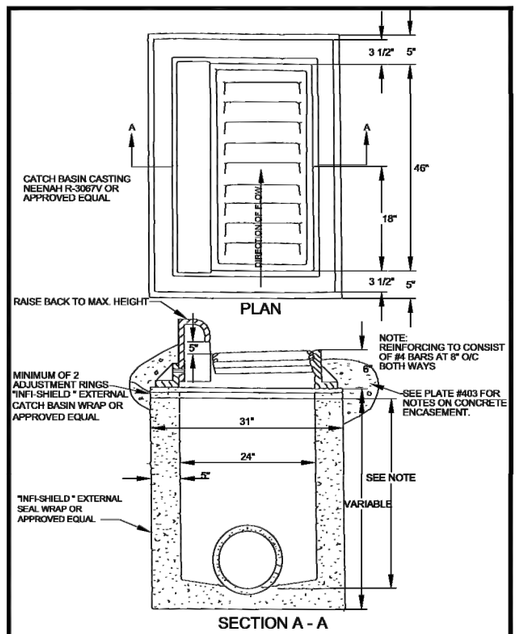


NOTE:
SEWER SERVICE CONNECTIONS FROM SDR 26 TO SCHEDULE 40 PVC PIPE WILL REQUIRE A TRANSITION FITTING.

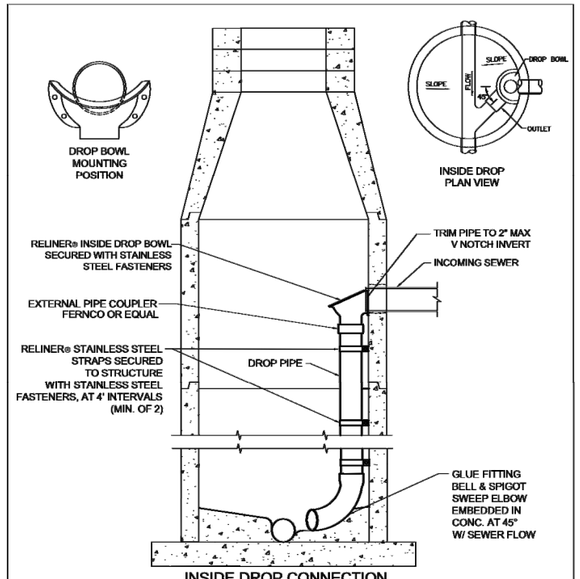
City of Mendota Heights	SANITARY SERVICE CONNECTION	PLATE # 201



City of Mendota Heights	ENVIRONMENTAL CONTROL MANHOLE FOR STORM SEWER	PLATE # 401



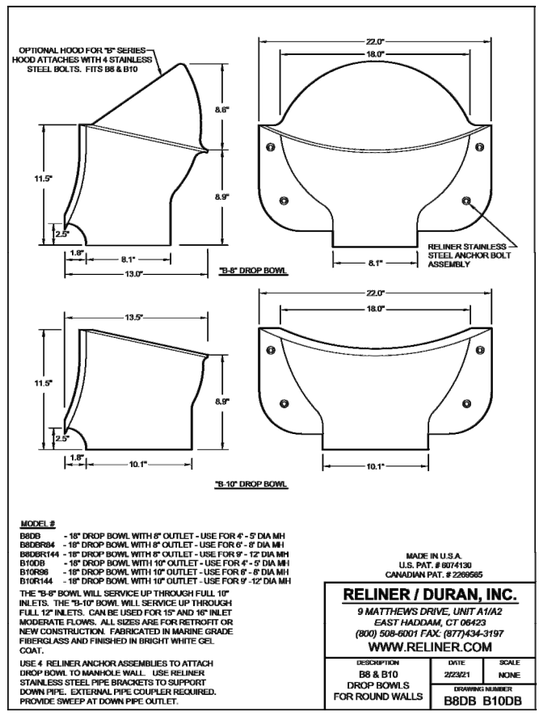
City of Mendota Heights	STANDARD CATCH BASIN FOR STORM SEWER	PLATE # 402



NOTES:
1. ALL INSIDE DROP CONNECTIONS FOR SERVICES AND COLLECTOR SEWERS SHALL USE THE DROP BOWL AS PRODUCED BY: RELINER-DURAN, INC. 9 MATTHEWS DRIVE, UNIT A1/A2 EAST HADDAM, CT 06423 (860)434-0277 FAX: (877)434-3197
2. SECURE DROP PIPE TO MANHOLE WALL WITH RELINER-DURAN, INC STAINLESS STEEL ADJUSTABLE CLAMPING BRACKETS.

RELINER / DURAN, INC.
9 MATTHEWS DRIVE, UNIT A1/A2
EAST HADDAM, CT 06423
(800) 508-6001 FAX: (877)434-3197
WWW.RELINER.COM

DESCRIPTION	DATE	SCALE
DROP CONNECTIONS	2/25/21	NONE
	DRAWING NUMBER	DC-1



MODEL #
B8DB - 18" DROP BOWL WITH 8" OUTLET - USE FOR 4' - 5' DIA MH
B8DBR84 - 18" DROP BOWL WITH 8" OUTLET - USE FOR 6' - 8' DIA MH
B8DBR144 - 18" DROP BOWL WITH 8" OUTLET - USE FOR 9' - 12' DIA MH
B10DB - 18" DROP BOWL WITH 10" OUTLET - USE FOR 4' - 5' DIA MH
B10R96 - 18" DROP BOWL WITH 10" OUTLET - USE FOR 6' - 8' DIA MH
B10R144 - 18" DROP BOWL WITH 10" OUTLET - USE FOR 9' -12' DIA MH

THE "B-8" BOWL WILL SERVICE UP THROUGH FULL 10" INLETS. THE "B-10" BOWL WILL SERVICE UP THROUGH FULL 12" INLETS. CAN BE USED FOR 15" AND 18" INLET MODERATE FLOWS. ALL SIZES ARE FOR RETROFIT OR NEW CONSTRUCTION. FABRICATED IN MARINE GRADE FIBERGLASS AND FINISHED IN BRIGHT WHITE GEL COAT.

USE 4 RELINER ANCHOR ASSEMBLIES TO ATTACH DROP BOWL TO MANHOLE WALL. USE RELINER STAINLESS STEEL PIPE BRACKETS TO SUPPORT DOWN PIPE. EXTERNAL PIPE COUPLER REQUIRED. PROVIDE SWEEP AT DOWN PIPE OUTLET.

MADE IN U.S.A.
U.S. PAT. # 8074130
CANADIAN PAT. # 2269565

RELINER / DURAN, INC.
9 MATTHEWS DRIVE, UNIT A1/A2
EAST HADDAM, CT 06423
(800) 508-6001 FAX: (877)434-3197
WWW.RELINER.COM

DESCRIPTION	DATE	SCALE
B8 & B10 DROP BOWLS FOR ROUND WALLS	2/23/21	NONE
	DRAWING NUMBER	B8DB B10DB

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2580 Christian Dr.
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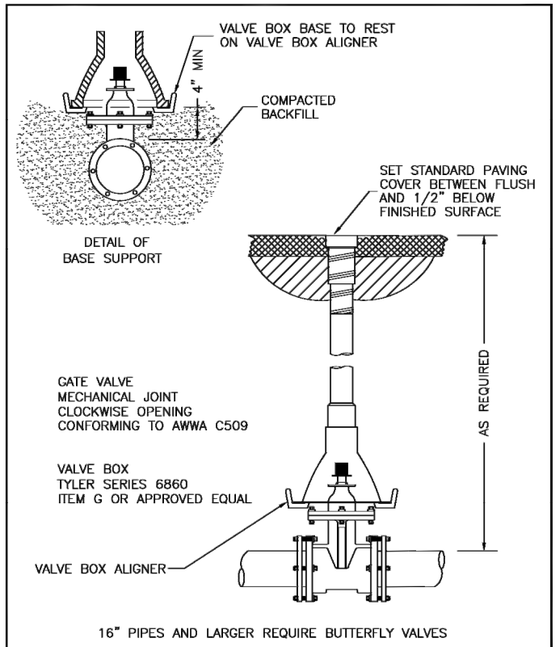
PREPARED FOR:
Spencer McMillan
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Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
City Details
MCMILLAN ESTATES
Mendota Heights, MN

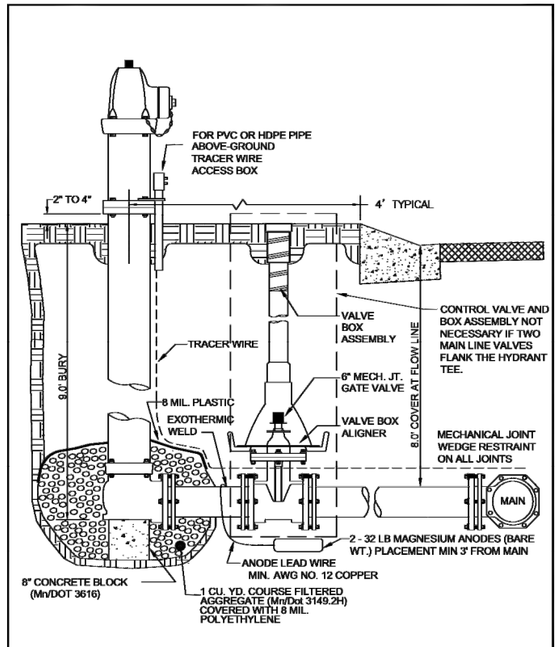
DATE	REVISION	BY

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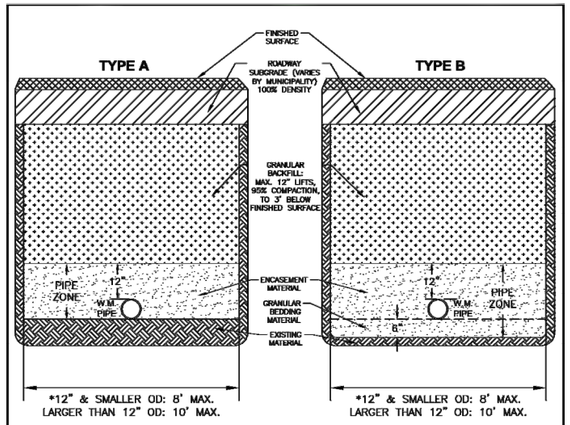
SHEET
C18



DR. LJP DATE. 01/13/2020 CH. VLH APPROVED DJS	SAINT PAUL REGIONAL WATER SERVICES ST. PAUL, MINNESOTA VALVE BOX & INSTALLATION	STANDARD PLATE D-2



DR. AMB DATE. 01/13/2020 CH. TMJ APPROVED RWH	SAINT PAUL REGIONAL WATER SERVICES ST. PAUL, MINNESOTA HYDRANT INSTALLATION	STANDARD PLATE D-3



TYPE A TRENCH TO BE CONSIDERED STANDARD TRENCH

TYPE B TRENCH TO BE IMPLEMENTED IN THE FOLLOWING CASES:

- BASE MATERIAL IS OR CONTAINS ROCK(S)
- WET CONDITIONS
- FLEXIBLE PIPE (HDPE, PEX, PVC, ETC.)
- UNSUITABLE/UNSTABLE SOILS

SPRWS TO MAKE FINAL DETERMINATION OF TRENCH TYPE AND USE OF IMPORTED BEDDING AND BACKFILL MATERIAL

* TRENCH WIDTH INCLUDING TENCH BOX

DR. AMB DATE. 02/05/2020 CH. TMJ APPROVED RWH	SAINT PAUL REGIONAL WATER SERVICES CITY OF ST. PAUL, MN WATER MAIN TRENCH DETAIL	STANDARD PLATE D-5

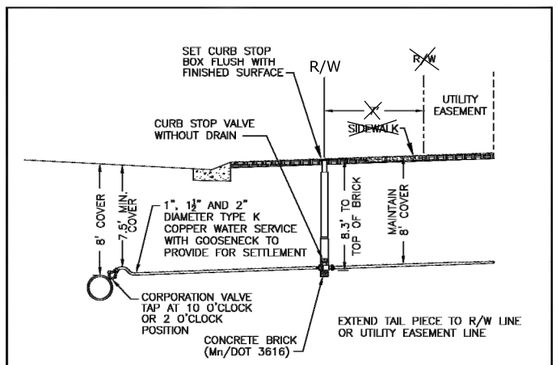
DUCTILE IRON PIPE (DIP)
WRAPPED IN POLYETHYLENE

MINIMUM FEET OF RESTRAINED PIPE REQUIRED

	7.0' COVER				8.0' COVER			
PIPE SIZE	22.5°	45°	90°	DEAD END	22.5°	45°	90°	DEAD END
4"	2	5	10	29	2	4	9	25
6"	3	6	14	41	3	6	13	36
8"	4	8	19	53	4	7	17	47
12"	6	11	26	76	5	10	23	67
16"	7	14	34	99	6	13	30	87
20"	9	17	41	121	8	16	37	107
24"	10	20	48	142	9	18	43	126
30"	12	24	58	173	11	22	52	154
36"	14	28	68	204	12	25	61	181
42"	16	32	77	232	14	29	69	207
48"	17	36	85	261	16	32	77	233

THE TABLE WAS DEVELOPED FROM CRITERIA IDENTIFIED IN THE *EBBA IRON INC.* RESTRAINED LENGTH CALCULATOR.
THE TABLE ASSUMES 150 PSI, MH. GRANULAR SOILS AND TYPE 4

DR. AMB DATE. 01/13/2020 CH. TMJ APPROVED RWH	SAINT PAUL REGIONAL WATER SERVICES CITY OF ST. PAUL, MN RESTRAINED PIPE REQUIREMENT DIP 7.0' - 8.0' EARTH COVER	STANDARD PLATE D-11 2 of 4



REFER TO SECTION 3300 FOR ADDITIONAL REQUIREMENTS

LIQUID TEFLON OR TEFLON TAPE REQUIRED AT ALL THREADED FITTINGS.

LAWN SPRINKLER

SAME AS SERVICE EXCEPT:

- CURB STOP VALVE **WITH** DRAIN
- CURB STOP BURIED WITH 2'x2'x2' CLEAN 1½" ROCK WRAPPED IN GEOTEXILE NONWOVEN FABRIC

DR. LJP DATE. 02/03/2023 CH. MGA APPROVED DJS	SAINT PAUL REGIONAL WATER SERVICES CITY OF ST. PAUL, MN TYPICAL 1", 1-1/2" AND 2" SERVICE & LAWN SPRINKLER INSTALLATION	STANDARD PLATE D-13

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Engineer under the laws of the State of Minnesota.

PRELIMINARY – NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
City Details
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C19

MCMILLAN ESTATES

KNOW ALL PERSONS BY THESE PRESENTS: That Spencer McMillan and Breanna McMillan, husband and wife, owners of the following described property:

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as MCMILLAN ESTATES, and do hereby dedicate to the public for public use forever the public ways and drainage and utility easements as created herewith.

In witness whereof said Spencer McMillan and Breanna McMillan, husband and wife, have hereunto set their hands this _____ day of _____, 20___.

_____ _____
Spencer McMillan Breanna McMillan

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Spencer McMillan and Breanna McMillan.

Signature _____
Printed Name _____
Notary Public, _____ County, Minnesota
My Commission Expires _____

I Curtiss Kallio do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20___.

_____
Curtiss Kallio, Licensed Land Surveyor, Minnesota License No. 26909

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Curtiss Kallio.

Signature _____
Printed Name _____
Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF MENDOTA HEIGHTS, STATE OF MINNESOTA

This plat of MCMILLAN ESTATES was approved and accepted by the City Council of Mendota Heights, Minnesota, at a regular meeting thereof held this _____ day of _____, 20 ___, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

By _____ _____
Mayor Clerk

COUNTY SURVEYOR, COUNTY OF DAKOTA, STATE OF MINNESOTA

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20___.

By_____
Todd B. Tollefson, Dakota County Surveyor

BOARD OF COMMISSIONERS, COUNTY OF DAKOTA, STATE OF MINNESOTA

We do hereby certify that on the ___ day of _____, the Board of Commissioners of Dakota County, Minnesota approved this plat of MCMILLAN ESTATES and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2 and pursuant to the Dakota County Contiguous Plat Ordinance.

_____ Attest _____
Chair, County Board County Treasurer - Auditor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS, COUNTY OF DAKOTA, STATE OF MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20 ____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this____ day of _____, 20___.

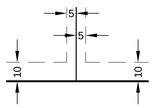
_____, Amy A. Koethe, Director
Department of Property Taxation and Records

REGISTRAR OF TITLES, COUNTY OF DAKOTA, STATE OF MINNESOTA

I hereby certify that this plat of MCMILLAN ESTATES, was filed in the office of the Registrar of Titles for public record on this_____ day of _____, 20___ at ____ o'clock ___M., and was duly filed in Book _____ of Plats, Page _____, as Document Number _____.

_____, Amy A. Koethe, Registrar of Titles

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.

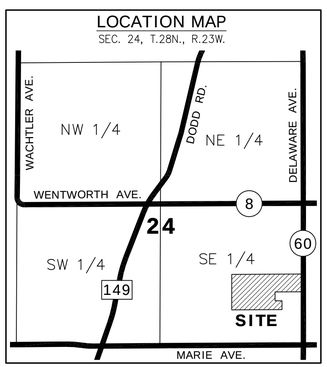


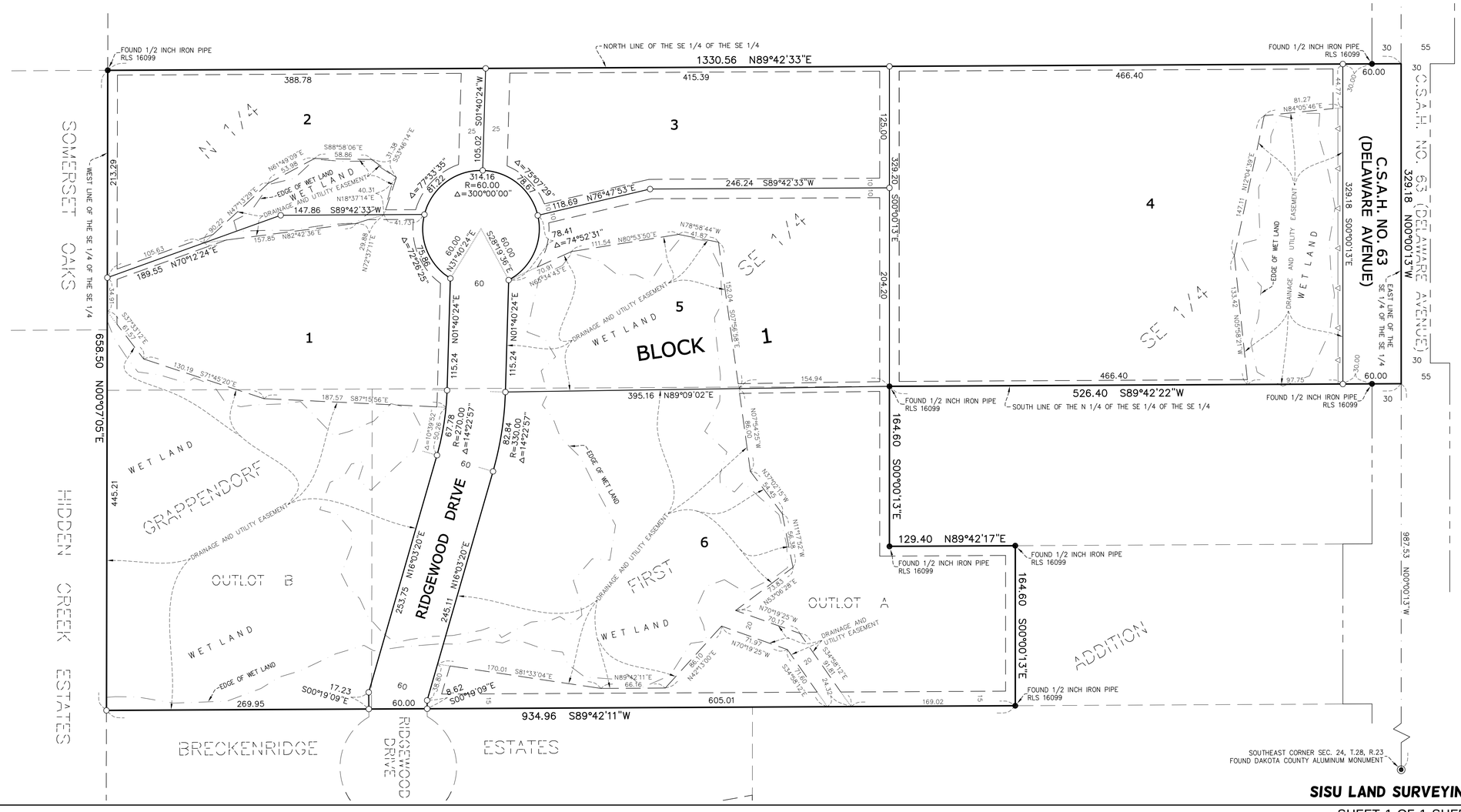
THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 24, RANGE 23, DAKOTA COUNTY, MINNESOTA IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ◉ DENOTES COUNTY MONUMENT FOUND
- ● DENOTES MONUMENT FOUND AS SHOWN
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.
- —△———△— DENOTES RESTRICTED ACCESS TO DAKOTA COUNTY PER THE DAKOTA COUNTY CONTIGUOUS PLAT ORDINANCE

LOCATION MAP
SEC. 24, T.28N., R.23W.





SISU LAND SURVEYING

From:	Sean Fahnhorst
To:	Krista Spreiter; Sarah Madden
Cc:	ken.powell@state.mn.us; lewis.brockette@state.mn.us; les.lemm@state.mn.us; stephanie.levine@mendotaheightsmn.gov; sally.lorberbaum@mendotaheightsmn.gov; john.maczko@mendotaheightsmn.gov; john.mazzitello@mendotaheightsmn.gov; joel.paper@mendotaheightsmn.gov; brian.watson@co.dakota.mn.us; environ@co.dakota.mn.us; pat.lynch@state.mn.us
Subject:	Re: Notice of Application - Wetland Permit for McMillan Estates
Date:	Monday, May 12, 2025 9:30:17 AM
Attachments:	Fahnhorst-Objection_DeMinimis_Exemption_Mendota_Heights.pdf 2025-04-14 Wetland_WCA_MN_joint_appl_form Signed.pdf McMillan Estates_NOA_2025_4_21.pdf

RE: Objection to De Minimis Exemption Request for McMillan Estates – Wetland Impact under the Minnesota Wetland Conservation Act

Dear City Staff,

I am writing to formally object to the applicant's request for a de minimis exemption under the Minnesota Wetland Conservation Act (WCA), Minn. Stat. § 103G.222, in connection with the proposed wetland impact at Parcel ID: 27-31100-00-010, McMillan Estates, in the City of Mendota Heights.. Upon review of the project materials and applicable law, I respectfully urge the City, acting as the Local Government Unit, to deny the exemption request for the following reasons:

1. The Impact of the Wetland Destruction Will Affect Neighboring Property

A large share of the wetland proposed to be filled is located on neighboring lots, including mine. This request will directly impair others' property without any drainage or environmental analysis provided by the applicant. Unmitigated wetland fill will raise the nearby water table and irreparably change the landscape, harming neighbors. Further, decisions to fill multi-lot wetlands to build a public roadway should be made by the community, not a single landowner.

2. The Proposed Impact Exceeds De Minimis Thresholds When Viewed Cumulatively

Under Minn. R. 8420.0420, the de minimis exemption does not apply when the proposed impact is part of a larger project or a pattern of incremental wetland loss. Available site plans and permit history indicate that the applicant's proposed activity is one phase of a larger development (Breckenridge, Grapenndorf, and Hidden Creek projects), and prior wetland impacts on the same parcel and adjacent lots have already contributed to exceeding the allowable exemption threshold.

3. The Wetland Is Located Within a Regionally Significant Natural Area and Serves High Functional Value

The wetland in question is part of an interconnected system upstream from the Mississippi River Corridor Critical Area (MRCCA). According to the Lower Mississippi River Watershed Management Organization (LMRWMO) Watershed Management Plan (2021–2030), this area is designated as ecologically significant, supporting stormwater retention, groundwater recharge, and habitat for migratory species. Minn. R. 8420.0420 prohibits de minimis exemptions in wetlands of high functional value, such as those identified in local plans or state inventories.

4. The Exemption Conflicts with Local Water Management Policies

The applicant's proposal is inconsistent with the City of Mendota Heights Surface Water Management Plan, which promotes a "no net loss" policy and discourages fill activities in wetlands and buffers. That plan requires applicants to demonstrate full compliance with wetland sequencing and to avoid impacts to

high-value wetlands. Inconsistency with local water management policies precludes granting of the exemption.

5. No Reasonable Alternatives Analysis Has Been Provided

The applicant has not presented sufficient documentation that the proposed wetland impact is unavoidable. Minn. R. 8420.0515 mandates that wetland impacts be allowed only if there are no feasible and prudent alternatives. Based on review of the submitted site plan, reasonable alternatives appear to exist, such as shifting impervious surfaces or adjusting building footprints. Failure to evaluate and disclose these options is grounds for denial.

Conclusion

The de minimis exemption is intended for truly minor, unavoidable wetland impacts. In this case, the size, ecological function, cumulative context, and conflict with adopted local and regional plans clearly disqualify the proposed activity. I respectfully urge the City to enforce the Minnesota Wetland Conservation Act in accordance with its conservation purpose and deny the applicant's request for a de minimis exemption.

Sincerely,

Sean Fahnhorst

From: Linda Pontinen
To: Sarah Madden
Subject: Fwd: McMillan Estates
Date: Monday, May 12, 2025 5:03:51 PM

Dear Sarah,

We have resided at 1760 Ridgewood Drive in Mendota Heights for 49 years. We have lived and grown with the land and love and truly enjoy its great trees, wetlands, and varied wildlife. The feeling of being one with nature is an unforgettable experience enhanced by miles of hiking and cross country ski trails we had created throughout the McMillan and Ritter (now Hidden Creek) properties. We were a community of neighbors who shared these trails as though they belonged to everyone.

Please note the included wetlands map from
national wetlands inventory
revealing that we share a 320+ foot property line with the McMillan property north of us. Along this line are deer, turkeys, rabbits, foxes plus about 18 large or heritage trees, over 30 medium sized trees, and numerous small trees and bushes. These animals depend upon the veterans to survive. The trees grow on and in close proximity (both sides) to the property line, along its entire length. We invite every city council and planning committee member to hike on our land and observe these beautiful trees, wetland fields, and wildlife!

Although this proposal will not fill our land, it will fill a wetland that extends on to our land.

We are deeply concerned with the impact changes to the soil, trees, wetlands and wildlife just north of us will have on our property. The wetlands obviously dip into our property as can be observed from the map below. We, as many other neighbors, are affected by any changes to the environment.

If the wetlands are filled just north of us, how will that affect the drainage onto our property? Will the tree roots be damaged? If so, trees on our property will die. That will adversely affect the wildlife that in some cases may even cease to exist

Even worse, a potential driveway exists on the plat map a mere five feet from our property line. Building that driveway will cut down many trees and damage the roots of countless others, resulting in their eventual deaths. We've opposed that plan from the beginning and asked the driveway be moved 40-50 feet farther north. That would preserve the roots extending that far and save nearly all of the trees on or near the line, as well as preserving the future, known for years as the Super Block, the largest natural forested and wildlife area in Mendota Heights. A true legacy.

There are other concerns we have such as the creek that runs parallel to our property line that is missing on the map. It is not accurate.

Also, it appears our cul-de-sac will be filled in, reducing neighborhood use for gatherings and games while increasing traffic and the speed of passing cars. It will reduce our property

values and be more dangerous to our young children. We also question how Ridgewood drive can be extended so far north as it already exceeds the maximum allowable length?

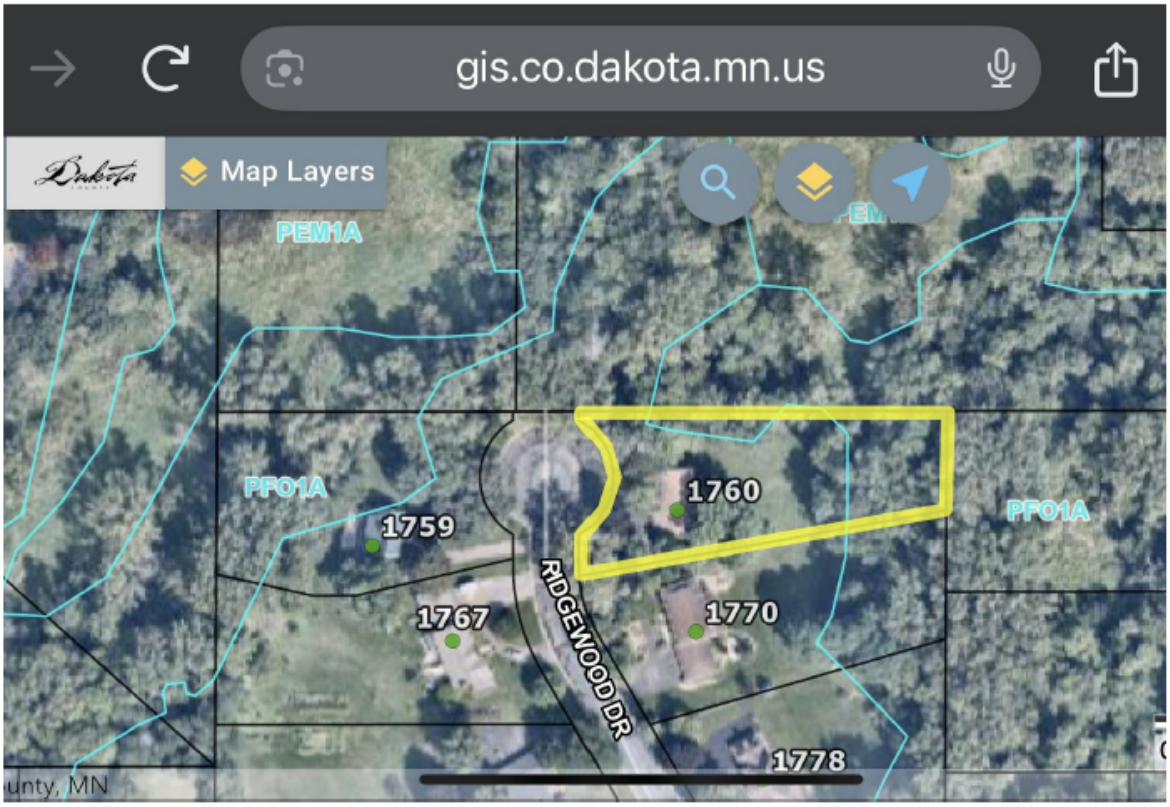
We strongly oppose any variances or exemptions to the ordinances set in place to protect our community of nature and wildlife, especially with regards to the preservation of wetlands, wildlife and heritage trees. Allowing these exemptions are inconsistent with the messages that the city has been giving about the importance of environmental protection and community.

We are grateful for how seriously and diligently our city has fought to preserve the natural environment of Mendota Heights. We sincerely applaud our mayor, council members, city planners and committees as we have observed first hand the energy, wisdom and support they have displayed to promote and preserve the natural resources of our community, which preserves the character of our land!

Please continue to support and protect our natural neighborhoods as you have done in the past.

Sincerely,

Linda and Paul Pontinen



From: Jonathan Deering <deerinjr@gmail.com>
Sent: Monday, May 12, 2025 9:15 PM
To: Krista Spreiter <KSpreiter@mendotaheightsmn.gov>
Subject: Re: Notice of Application - Wetland Permit for McMillan Estates

Good Evening Krista,

I am writing to formally share my concerns regarding the proposed McMillan Estates subdivision, particularly as it relates to potential impacts on the wetland complex located near Ridgewood Drive and Hidden Creek Trail.

1. De Minimis Exemption and Hidden Creek Cumulative Impact

It is my understanding that the neighboring Hidden Creek development, built in 2004, contributed to significant prior impacts on the shared wetland basin of this current proposal. I have not received communications in response to my prior inquiry on this topic, but assuming this is the case, any **cumulative impact analysis** under Minnesota Rule 8420.0420 must account for those effects and would show that the basin has already exceeded allowable thresholds for a de minimis exemption.

If Hidden Creek's impact does not, in your judgment, disqualify the McMillan Estates proposal from seeking a de minimis exemption, then I respectfully request that your office **clearly communicate** to the applicant — and the public — the **required steps** and **contingency plan** if, during construction, even a modest overage occurs (e.g., exceeding the permitted impact buffer, which as proposed sits at <10 square feet). Given the extremely narrow margin proposed, the likelihood of unintended impact seems high, and it is my request that **a full mitigation and sequencing plan should be prepared** rather than handled retroactively.

2. Wetland Quality and Functional Integrity

The wetlands in this area serve as a vital natural resource, providing not only ecological value but also critical regional **water management functions**, including groundwater recharge, stormwater filtration, and flood mitigation. The proposed development risks degrading these functions by introducing additional impervious surface area, altering hydrology, and fragmenting natural systems. As the lowest lying house in the proposed development area, this is of **serious concern** to me. Current proposed plans show stormwater management plans that would release the additional water from the extended cul-de-sac back to the current cul-de-sac, along my property line. The approval of a de minimus exception that negates to fully investigate and appreciate the impact the developer's proposal would have on water management from the proposed impacts on the wetland unnecessarily exposes the city and developer to legal risks if the exception and proposed plan leads to damages to neighboring properties.

3. Critical Wildlife Habitat and Corridor Disruption

The wetland and adjacent wooded areas form an essential **wildlife corridor** supporting a

wide range of species including deer, coyotes, foxes, hawks, eagles, ducks, amphibians, and turkeys. This habitat provides breeding grounds, migration stopover points, and foraging opportunities. Disruption or fragmentation of this space could irreversibly reduce local biodiversity and undermine decades of ecological stewardship in the Mendota Heights area.

Request for Consideration

I ask that your office give full consideration to these concerns in any decision-making process and that a formal evaluation of:

- Cumulative impacts from prior adjacent development,
- Risk of buffer overages leading to WCA non-compliance, and
- Wildlife habitat value and wetland functionality

…be conducted and communicated clearly with the applicant and broader community.

Please confirm receipt of this message and let me know how I can stay informed of any upcoming meetings, hearings, or decision timelines related to this proposal.

Sincerely,
Jonathan Deering
1759 Ridgewood Drive

McMillan Estates development

JL Jill Lipset <jill.lipset@tphmn.com>
To Sarah Madden
Cc Max Lipset

Reply | Reply All | Forward

Tue 5/13/2025 4:12 PM

Follow up. Start by Wednesday, May 14, 2025. Due by Wednesday, May 14, 2025.
If there are problems with how this message is displayed, click here to view it in a web browser.

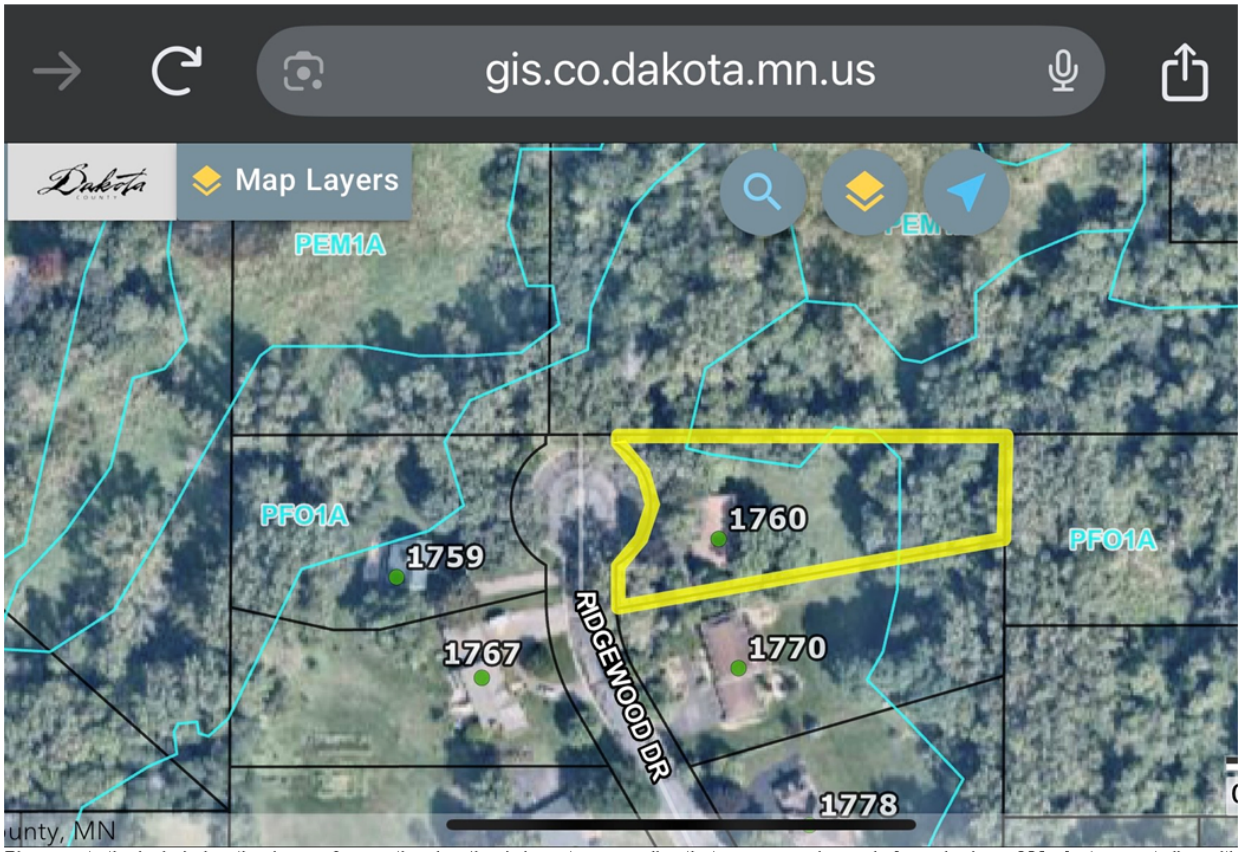
Hi Sarah,

My name is Jill Lipset and my family and I are the new residents at 1770 Ridgewood Drive (closed on March 8, 2025). Prior to that we lived at 1521 Dodd Road for ten years, and I grew up in the Copperfield neighborhood of Mendota Heights, where my mom still resides. We are active and involved community members and have cherished raising our kids and building our lives here.

Upon moving into our new house, we were informed by the neighbors about the ongoing battle regarding the development rights of the wetlands by McMillan properties. Given that the natural lands were an absolute major reason why we bought the property, it was extremely troubling to learn that this was in jeopardy. As a longtime resident of Mendota Heights, I have been proud of commitment to preserving natural land and keeping the city a place where families of different incomes can reside, and trees, fresh air, and animals are valued and respected. This is what has made this place a generational neighborhood that is unique to the Twin Cities. Even prior to learning about the McMillan Estates development plans, I have noticed the trend of new builds in the city that are changing the character of Mendota Heights. Living on/near Dodd & Wentworth for ten years with seeing a handful or so of knock-downs and rebuilds of massive houses happen, there was a recent explosion of these 1-2 million dollar houses in the past year. It sounds like the McMillan Estates plan is on track with this new trend, and it is super disappointing and concerning that this is being allowed to take place. These protected wetlands deserve to be kept for generations to come, rather than turned into another multi-million dollar single family home. Below is some language written by a neighbor that goes into more details about the proposed development and the destruction it would cause.

As one small example....we moved in March and my younger daughter could not yet ride a bike. We lived on busy Dodd road and she wasn't confident yet to try. Within two weeks of us moving to 1770 Ridgewood Drive, she taught herself to bike in the cul de sac with the younger neighbor kids cheering her on. This would never have happened if the cul de sac was filled in and turned into a through road. We were so excited for this to be our forever home with such amazing privacy, and this is such a disappointment. Please do what you can to prevent this development from happening and please be sure to update residents with all news pertaining to this project.

Thank you,
Jill & Max Lipset
651-216-1746
1770 Ridgewood Drive



Please note the included wetlands map from national wetlands inventory revealing that we are one house in from sharing a 320+ foot property line with the McMillan property north of us. Along this line are deer, turkeys, rabbits, foxes plus about 18 large or heritage trees, over 30 medium sized trees, and numerous small trees and bushes. These animals depend upon the veterans to survive. The trees grow on and in close proximity (both sides) to the property line, along its entire length. We invite every city council and planning committee member to hike on our land and observe these beautiful trees, wetland fields, and wildlife!

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We strongly oppose any variances or exemptions to the ordinances set in place to protect our community of nature and wildlife, especially with regards to the preservation of wetlands, wildlife and heritage trees. Allowing these exemptions are inconsistent with the messages that the city has been giving about the importance of environmental protection and community.

We are grateful for how seriously and diligently our city has fought to preserve the natural environment of Mendota Heights. We sincerely applaud our mayor, council members, city planners and committees as we have observed first hand the energy, wisdom and support they have displayed to promote and preserve the natural resources of our community, which preserves the character of our land!

Please continue to support and protect our natural neighborhoods as you have done in the past.

From: Dana Johnston
To: Sarah Madden
Subject: McMillan Estates planning case No. 2025-03
Date: Thursday, May 22, 2025 1:14:53 PM

From our home on Delaware Ave, looking to the west, I am saddened to think of how much the character of our neighborhood will change by the impending McMillan Estates development. The integrity of the Super Block could be forever destroyed. Gone will be much of the natural setting with its trees, views, wildlife and privacy that have made our neighborhood unique (and the reason most of us chose to live here).
As I think back on the past several years of Planning Commission and City Council meetings, I am struck by the disparity in time, effort, and resources that the city "staff" has devoted to getting Mr McMillan's development approved. I guess that's what they do, they develop. And what was originally 1-2 lots is now 6! But what of all the concerned neighbors who feel they have no voice? Who on "staff" helps us, the many affected homeowners, who desperately wish for this development to be denied?
I sincerely hope that it's not too late to change course. Just because an area "can" be developed does not mean that it should be. Hopefully, the Planning Commission and City Council will see the wisdom in denying this proposal (regardless of how much time "staff" has devoted), standing up for homeowners and helping to preserve this natural land and the character of our neighborhood.
Sincerely,
Will and Dana Johnston
1769 Delaware Ave.

From: PATRICK WICKER
To: Sarah Madden
Subject: Notice of Public Hearing - Planning Case No. 2025-03
Date: Sunday, May 25, 2025 6:14:48 PM

Sarah,
We are writing in reference to Planning Case No. 2025-03. While this new attempt to subdivide the subject properties (Parcel IDs: 27-02400-78-010, 27-31100-00-020, and 27-31100-00-010 [represented as a combined group of 16.63 acres]) located at 1707 Delaware Ave no longer creates a public road which would serve as a private drive to two homes or one home like previous attempts to subdivide this lot (Planning Cases No. 2024-01 and 2021-19 respectively), we again **oppose** the subdivision.
We are also frustrated with this process as clearly the applicants are planning to submit plans until they are approved. While we understand their desire to make money from subdivision and development of their land, many others intentionally purchased land here **BECAUSE** of the nature and wildlife that surround us and which is a hallmark of Mendota Heights. Where is the wildlife supposed to live when we keep developing their homes? Maybe we can start a coyote adoption program?
If the city decides to approve, we have a suggestion - why not simply pave the entire city - that way we can fit as much housing as possible into the city and increase our tax base.
Regards,
Patrick and Jennie Wicker

From:	Sean Fahnhorst
To:	Litton Field; Jason Stone; Patrick Corbett; Cindy Johnson; Jeff Nath; Brian Udell; Steve Goldade
Subject:	Fahnhorst Public Comment on CASE No. 2025-03 Preliminary Plat Application of Spencer McMillan
Date:	Monday, May 26, 2025 10:57:56 PM
Attachments:	Living Streets Worksheet.pdf

Public Comment on CASE No. 2025-03 Preliminary Plat Application of Spencer McMillan for a Preliminary Plat of three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels

My name is Sean Fahnhorst and I live at 1767 Ridgewood Drive. I'd like to speak in favor of several commonsense conditions that will improve this proposal and make it consistent with city code and policy.

First, this proposal requires city staff to provide an exemption to the state's Wetland Conservation Act. This optional exemption would allow the applicant to fill a wetland shared by many neighboring properties, including my own, without any mitigation or environmental analysis. Filling wetland to build this public road will raise the nearby water table, pushing water into neighboring yards and basements without any recourse. **The planning commission should insist this proposal fully comply with the Wetland Conservation Act without any exemptions.**

Second, this proposal removes 82 significant trees—meaning they are healthy and larger than a foot in diameter—without a plan to replace them. The text of the city's urban forestry ordinance is clear: trees benefit neighborhoods by providing erosion control, wildlife habitat, cooler surface temperatures, increased property values, and aesthetic beauty. **The planning commission should insist that all required tree replacement occur onsite.** Offsite tree replacement does nothing to mitigate the damage the tree removal will cause to this neighborhood.

Third, the city should live up to the commitments it made in its own Living Streets Policy. Two years ago, city staff stood in front of the planning commission, natural resources commission, and city council, and committed to:

- Engage with the community and stakeholders throughout the planning, design, and construction of all streets.
- Identify opportunities to feasibly improve quality of life aspects by reducing environmental impacts or improving sustainability.
- Include safe, convenient, and comfortable travel and access for users of all ages and

abilities, regardless of their mode of transportation.

Despite the City Council passing this policy, none of these factors are present in this proposal. **The planning commission should insist that city staff complete the engagement worksheet (attached) they created to analyze new road construction projects.** Ignoring this process now will damage the community's trust in its public servants and government.

Thank you for your time.

From:	Sean Fahnhorst
To:	Litton Field; Jason Stone; Patrick Corbett; Cindy Johnson; Jeff Nath; Brian Udell; Steve Goldade
Cc:	Stephanie Levine; Sally Lorberbaum; John Maczko; John Mazzitello; Joel Paper; Sarah Madden; Krista Spreiter; Ryan Ruzek; Cheryl Jacobson
Subject:	Follow-Up to Planning Commission Request
Date:	Thursday, May 29, 2025 2:30:51 PM
Attachments:	Full Living Streets Policy and Worksheet - Adopted by City Council.pdf City-of-Mendota-Heights-Rain-Garden-Brochure-PDF.pdf

Mendota Heights Planning Commission,

Thank you for the opportunity to share at Tuesday's meeting. I wanted to follow up on your request for more information about the city's policies regarding wetlands. I found several references in the city's Surface Water Management Plan, linked below, to wetland replacement requirements (sometimes known as no-net-loss). I see these requirements as intentionally redundant, appearing in both state law and city policy to ensure they are consistently followed.

Surface Water Management Plan (PDF)

(Page 34)
5.3. City of Mendota Heights SWMP Goals and Policies
5.3.3.2. Policies 1. The neighborhood and regional benefits of wildlife habitat and aesthetics should be considered in any proposal to alter or eliminate wetlands, understanding that wetland elimination without mitigation is precluded by state law and understanding that even mitigated wetland impacts must meet strict sequencing guidelines.

(Page 36)
5.3.6.2. Policies
2. Discourage wetland disturbance. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of equal public value, as permitted by the WCA.

(Page 36)
5. Require that a wetland assessment be prepared for any project that includes a wetland. Minnesota Routine Assessment Methodology for evaluating wetland function is the required method of assessment.

Additionally, there was some discussion regarding the city's Living Streets Policy adopted by the City Council in March 2024 (full text attached). While I appreciate staff's consideration of street width, I think there are several more important elements of the policy relevant for the McMillan street proposal. Specifically:

- Guideline 6: Engage with the community and stakeholders throughout the planning, design, and construction of all streets to ensure the needs and concerns of all users are considered and addressed. Concerns about children's safety and environmental damage were consistently voiced last night.
- Guideline 2 and 4: Encourage the use of sustainable modes of transportation, such as walking and biking, by providing safe and convenient infrastructure for those modes. This could include sidewalks or trails safe for children that ideally interconnect with other city paths.

- Guideline 7: Identify any opportunities to feasibly improve quality of life aspects by reducing environmental impacts or improving sustainability. This could include street trees, rain gardens, and wetland restoration.
- Guideline 3: Prioritize the safety of all users. This could include traffic calming improvements like bumpouts or safe places to play like a parklet.

All these elements are well within the scope of this road development. For example, sidewalks and bumpouts are feasible for Ridgewood Drive and recommended in the city's official Bike and Pedestrian plan. Similarly, rain gardens are regularly incorporated in stormwater projects through the city's BLVD Rain Garden Program (details attached). Street trees are a logical way to meet replacement requirements, and wetland restoration on Outlot A could help comply with mitigation/replacement laws. Lastly, because Ridgewood Drive is noted as a "park system gap" on page 62 of the latest Park System Master Plan, it could be more appropriate to re-designate the $24,000 park improvement fee to neighborhood upgrades, like a multimodal trail or pocket park in the new development.

Thank you for your time,
Sean Fahnhorst
952-393-3707

Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at: http://www.mvp.usace.army.mil/Missions/Regulatory.aspx and select "Minnesota" from the contact Information box. Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (https://webapps11.dnr.state.mn.us/mpars/public/authentication/login). Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Spencer McMillan
Mailing Address: 1707 Delaware Avenue, Mendota Heights, MN 55118
Phone: 715-698-7114
E-mail Address: SMcMillan@McMillanElectric.com

Authorized Contact (do not complete if same as above):
Mailing Address:
Phone:
E-mail Address:

Agent Name: Lucius Jonett, Midwest Wetland Improvements
Mailing Address: P.O. Box 448, Victoria, MN 55386
Phone: 952-261-9990
E-mail Address: lucius@midwestwetlands.com

PART TWO: Site Location Information

County: Dakota **City/Township:** Mendota Heights
Parcel ID and/or Address: 27-02400-78-010, 1707 Delaware Avenue, Mendota Heights, MN 55118
Legal Description (Section, Township, Range): SECTION 24 TWN 28 RANGE 23
Lat/Long (decimal degrees): 44.894271/-93.107408
Attach a map showing the location of the site in relation to local streets, roads, highways.
Approximate size of site (acres) or if a linear project, length (feet): 12 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted ***prior to*** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Homeowner is subdividing land for residential lot development. A Wetland Delineation Report was completed on 6/22/2021. A stream feature worksheet was completed on 5/19/2025 for the drainage feature identified in the wetland delineation report. Design plans for preliminary plat, dated 4/07/2025, show project location and proposed wetland and channel impacts. All documents are attached in appendix B.

PART FOUR: Aquatic Resource Impact[1] Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	**Aquatic Resource Type** (wetland, lake, tributary etc.)	**Type of Impact** (fill, excavate, drain, or remove vegetation)	**Duration of Impact** Permanent (P) or Temporary (T)[1]	**Size of Impact**[2]	**Overall Size of Aquatic Resource** [3]	**Existing Plant Community Type(s)** in Impact Area[4]	**County, Major Watershed #, and Bank Service Area #** of Impact Area[5]
Basin 1 – Area 1	Wetland	Fill	P	1,315 sq ft	3.55 acres	Wet Meadow	Dakota, Watershed 20, BSA 7
Basin 1 – Area 2	Wetland	Fill	P	467 sq ft	3.55 acres	Wet Meadow	Dakota, Watershed 20, BSA 7
Basin 1 – Area 3	Wetland	Fill	P	388 sq ft	3.55 acres	Wet Meadow	Dakota, Watershed 20, BSA 7
Unnamed Stream	Stream tributary	Tier 4 – short length of culvert pipe (fill)	P	60 linear feet, 6’ x 60’ = 360 sq ft	185 linear feet, 6’ x 185’ = 1,110 sq ft	Forested stream riparian vegetation.	Dakota, Watershed 20, BSA 7

[1]If impacts are temporary; enter the duration of the impacts in days next to the “T”. For example, a project with a temporary access fill that would be removed after 220 days would be entered “T (220)”.
[2]Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).
[3]This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter “N/A”.
[4]Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.
[5]Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

No impacts have occurred.

[1] The term “impact” as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: _____ Date: May 22, 2025

Spencer McMillan

I hereby authorize Lucius Jonett to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

Attachment B
Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part ***if*** you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR ***if*** you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

WCA de minimis exemption – MN Rule 8420.0420, Subp. 8

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

The proposed activity involves the permanent fill impact to wetland of approximately 2,170 square feet (0.05 acres) to establish roads, driveways and residential home building sites as part of a subdivision project. The property is situated within Dakota County in Minnesota that is classified as having less than 50% of its pre-settlement wetlands remaining. The project site is not located within a shoreland area as defined by Minnesota Rules.

Pursuant to Minnesota Rule 8420.0420, Subpart 8, (2024 WCA Statute Changes) the activity qualifies for the Wetland Conservation Act (WCA) de minimis exemption. This rule allows up to 2,178 square feet of wetland impact per project in non-shoreland areas within less than 50% wetland counties, provided other eligibility requirements are met.

The following conditions are met for this exemption:

1. Area of Impact: The proposed wetland conversion does not exceed the de minimis exemption in non-shoreland, <50% wetland counties.
2. Cumulative Impact: These proposed wetland impacts account for the cumulative road and utility impacts of the current, proposed subdivision phase of the project. Plus the potential home/driveway construction impacts of future individual homeowner construction phases of the project.

Based on these factors, the activity meets the requirements for the de minimis exemption under the WCA and does not require replacement, sequencing, or additional mitigation measures.

The proposed activity also includes a Severity Tier 4 channel impact for the installation of a short length of culvert pipe for a driveway crossing the unnamed stream channel to a home building site. The linear foot threshold for Tier 4 impacts is 200 LF before mitigation is required.

Attachment C
Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

Home owner is subdividing land for residential lot development. A Wetland Delineation Report was completed on 6/22/2021. A stream feature worksheet was completed on 5/19/2025 for the drainage feature identified in the wetland delineation report. Design plans for preliminary plat, dated 4/07/2025, show project location and proposed wetland and channel impacts. All documents are attached in appendix B.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

The proposed subdivision site contains wetland basin with a tributary stream channel that flows into it, creating a natural barrier along the south portion of the property between the developable upland areas. In planning access to the remainder of the site, multiple on-site avoidance measures were considered to minimize and avoid impacts to aquatic resources. These included reviewing layout options that concentrate development on the north and east side of the basin and channel while leaving the southern portion undeveloped. However, full avoidance would require forgoing access to the site, making it infeasible given the project's objectives. Two project alternatives that avoid all impacts to aquatic resources were considered: (1) an alternative site layout that clusters all development on the eastern uplands and leaves the southern portion as permanent open space; and (2) the no-build alternative, which would result in no impacts but would also eliminate the proposed housing and associated public infrastructure objectives. While both alternatives avoid direct impacts, they are not prudent for achieving the purpose and need of the project. The selected alternative minimizes impacts by reducing the crossing width and locating it at the narrowest portion of the channel and wetland, combined with construction methods designed to protect hydrology and habitat connectivity.

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

To minimize unavoidable impacts to the wetland basins and tributary stream channel located in the southern portion of the subdivision site, the proposed project has incorporated several design modifications. The location of the new cul-de-sac and driveway access crossings were strategically selected at the narrowest points of wetland and channel impact to reduce the width of fill and overall disturbance. The crossings will utilize culvert designs that preserve base flow connectivity and minimize alteration of stream hydrology and aquatic organism passage. Roadway grades and alignments were adjusted to reduce the footprint of the crossing embankment and avoid unnecessary encroachment into adjacent wetland areas. Stormwater from the new road surface will be treated through an infiltration basin before discharge to adjacent aquatic resources, further reducing pollutant loading. Construction will follow best management practices to minimize sedimentation and erosion, and all disturbed areas will be promptly stabilized and restored with native vegetation.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

MCMILLAN ESTATES

PRELIMINARY PLAT

SEE THE CONSTRUCTION PLANS FOR GRADING, DRAINAGE, STREET, SANITARY SEWER, AND WATERMAIN FOR FOR DETAILED IMPROVEMENTS

LEGAL DESCRIPTION

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING AND ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
CONTACT: WAYNE JACOBSON
612-802-6619

NOTE: DELINEATOR HAS RETIRED.

ZONING INFORMATION

EXISTING ZONING = R-1A
MINIMUM LOT SIZE = 30,000 SQ. FT.
MINIMUM LOT WIDTH = 125 FEET
MINIMUM FRONT YARD SETBACK = 40 FEET
MINIMUM SIDE YARD SETBACK = 15 FEET OR 1/2 THE HEIGHT OF STRUCTURE CONTIGUOUS TO STRUCTURE, WHICHEVER IS GREATER
MINIMUM REAR YARD SETBACK = 30 FEET OR 20% OF AVG. LOT DEPTH, WHICHEVER IS GREATER

PLAT AREAS

TOTAL PLAT AREA = 16.63 ACRES
PROPOSED LOT 1, BLOCK 1 = 158,544 SF = 3.64 ACRES
PROPOSED LOT 2, BLOCK 1 = 61,652 SF = 1.42 ACRES
PROPOSED LOT 3, BLOCK 1 = 53,242 SF = 1.22 ACRES
PROPOSED LOT 4, BLOCK 1 = 153,532 SF = 3.52 ACRES
PROPOSED LOT 5, BLOCK 1 = 77,002 SF = 1.77 ACRES
PROPOSED LOT 6, BLOCK 1 = 162,659 SF = 3.73 ACRES

PROPOSED RIGHT OF WAY
RIDGEWOOD DRIVE = 38,158 SF = 0.88 ACRES
DELAWARE AVE. = 19,751 SF = 0.45 ACRES

WETLANDS

WETLANDS HAVE BEEN DELINEATED AS SHOWN. 2170 SQ. FT. OF WETLANDS WILL BE IMPACTED FOR THE RIDGEWOOD DR. EXTENSION AND FUTURE DRIVES. PER DEMINIMUS RULES, NO WETLAND MITIGATION IS REQUIRED. A 25 FEET AVERAGE WETLAND BUFFER IS SHOWN WITH A MINIMUM BUFFER WIDTH OF 10 FEET. TOTAL 25 FEET BUFFER REQUIRED = 75,504 SF, TOTAL BUFFER PROVIDED = 75,609 SF.

PROPOSED IMPROVEMENTS

RIDGEWOOD DRIVE WILL BE EXTENDED TO PROVIDE ACCESS AND UTILITY CONNECTIONS FOR LOTS 1, 2, 3, 5, AND 6. NO IMPROVEMENTS ARE PROPOSED FOR LOT 4. THE EXISTING CUL DE SAC WILL BE REMOVED. SEE THE PROPOSED CONSTRUCTION PLANS FOR DETAILS.

TREE PRESERVATION

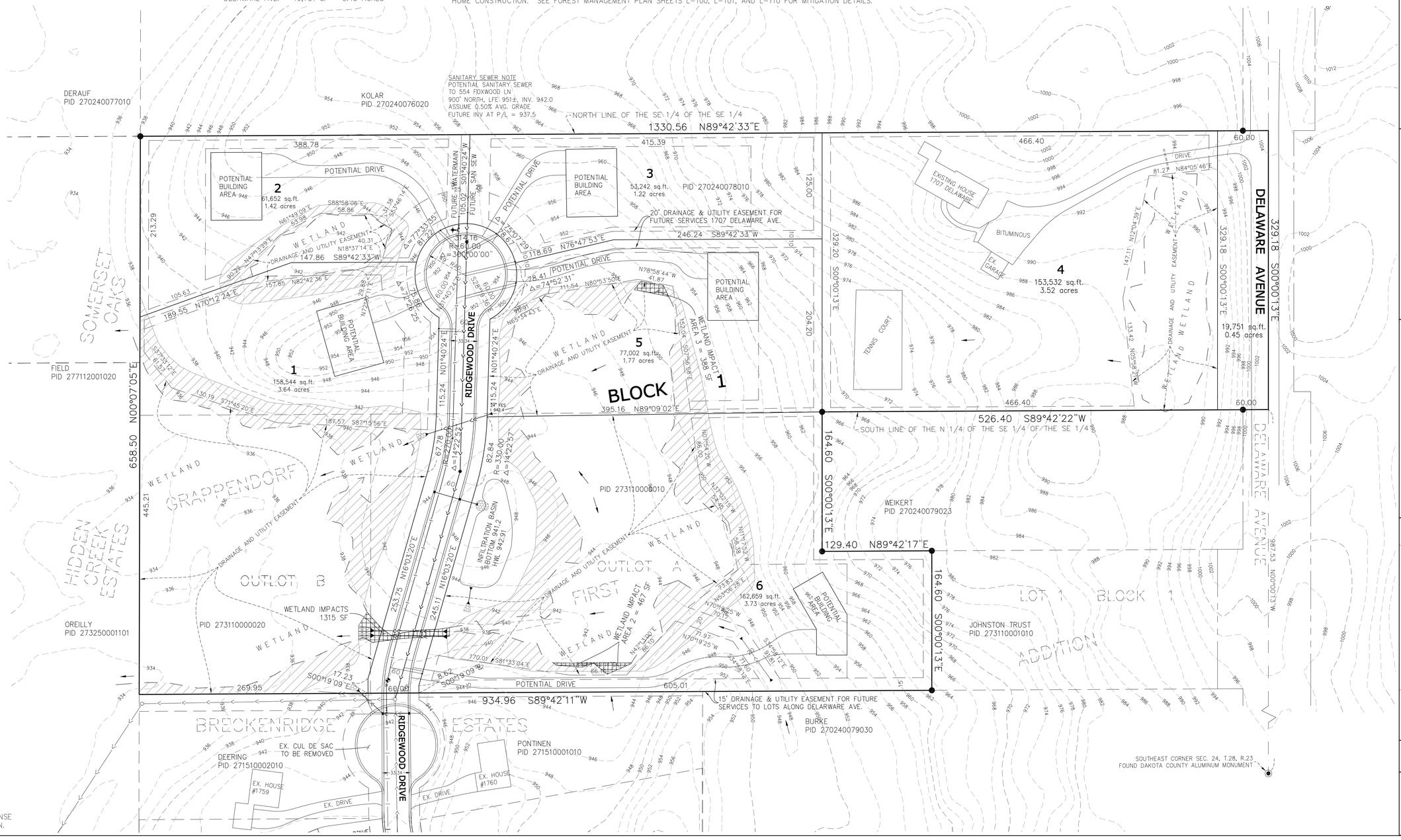
TREES HAVE BEEN INVENTORIED WITHIN THE POTENTIAL IMPROVEMENT AREAS. TREE INVENTORY AND REMOVALS FOR THE PROPOSED IMPROVEMENTS ARE SHOWN IN THE CONSTRUCTION PLANS. TREES HAVE NOT BEEN INVENTORIED FOR ALL OF THE INDIVIDUAL LOT IMPROVEMENTS. IF REQUIRED BY THE CITY, THOSE INVENTORIES WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. SEE FOREST MANAGEMENT PLAN SHEETS L-100, L-101, AND L-110 FOR MITIGATION DETAILS.

UTILITIES

UTILITIES WILL BE EXTENDED FROM EXISTING STUBS TO NORTH OF THE PROPOSED CUL DE SAC.EXISTING TO THE END OF THE NEW CUL DE SAC. POTENTIAL FUTURE UTILITY EXTENSIONS ARE SHOWN TO SERVE LOTS TO THE NORTH. SERVICE TAPS WILL BE PROVIDED FOR 1707 DELAWARE AVE. AND AN EASEMENT WILL BE PROVIDED TO EXTEND SERVICES TO THE EXISTING HOUSE. A 15 FEET EASEMENT WILL BE PROVIDED FOR POTENTIAL FUTURE UTILITY SERVICES TO HOMES ALONG DELWARE AVE. TO THE EAST.

STORMWATER

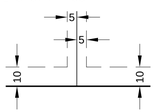
STORMWATER TREATMENT FOR THE INCREASE IN IMPERVIOUS FOR RIDGEWOOD DRIVE WILL BE PROVIDED BY AN INFILTRATION BASIS AS SHOWN. DUE TO THE TOPOGRAPHY OF THE SITE AND LOCATION OF FUTURE HOMES, THE IMPERVIOUS RUNOFF FROM THE INDIVIDUAL LOT IMPROVEMENTS COULD NOT BE CONVEYED TO THE PROPOSED INFILTRATION BASIN. THE INDIVIDUAL LOTS WILL PROVIDE VOLUME REDUCTION AND RATE CONTROL AT THE TIME OF HOME CONSTRUCTION. THE INCREASE IN IMPERVIOUS SURFACE FOR RIDGEWOOD DRIVE IS 0.43 ACRES. THE ESTIMATED INCREASE IN IMPERVOUS SURFACE FOR LOTS 1, 2, 3, 5, AND 6 IS 0.9 ACRES.



LEGEND

- PLAT BOUNDARY
- LOT LINE
- SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- EX. STORM SEWER
- EX. SAN. SEWER
- EX. WATERMAIN
- EX. HYDRANT
- 25' AVG. WIDTH WETLAND BUFFER, 10' MINIMUM WIDTH

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.



THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ● DENOTES IRON MONUMENT FOUND
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

CURTISS J. KALLIO

DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Preliminary Plat
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET 1 OF 1 SHEETS

WETLAND DELINEATION REPORT

6/22/2021

2021-206

1707 Delaware Ave Delineation

Mendota Heights, MN

Jacobson Environmental, PLLC

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Jacobson Environmental, PLLC **www.jacobsonenvironmental.com**
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1.0 SUMMARY

Jacobson Environmental, PLLC (JE) visited the project site at 1707 Delaware Ave and PID #'s 273110000020 and 273110000010 on 6/17/2021. The site totaled approximately 16.63 acres in size, and was located at Section 24, T28N, R23W, Mendota Heights, Minnesota. See Figure 1 for a Site Location Map.

The purpose of the investigation was to identify areas within the project boundary meeting the technical criteria for wetlands, delineate the jurisdictional extent of the wetland basins, and classify the wetland habitat according to the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region.

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.

Wetland boundaries were determined through a routine analysis of the vegetation, soils and hydrology which must all show wetland characteristics for an area to be delineated as a wetland.

Three wetland basins were delineated within the project area, which are summarized below and shown on Figure 5.

Basin ID	Circular 39	Cowardin	Eggers & Reed	Dominant Vegetation	Size (acres)
1	Type 2	PEMB	Wet meadow	Green Ash, Reed Canary Grass and Jewelweed	3.55
2	Type 1	PEM1A	Seasonally flooded basin	Green Ash, Water Smartweed and Clearweed	0.175
3	Type 2	PEMB	Wet meadow	Green Ash, Reed Canary Grass and Dark Green Bulrush	0.44

All figures and appendices referenced by this report are presented at the end of the text.

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This wetland delineation was performed by Jacobson Environmental, PLLC under the direction of 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.

2.0 METHODS

2.1 EXISTING INFORMATION REVIEW

Prior to field delineation, Jacobson Environmental reviewed the following information:

2.1.1 Antecedent Precipitation

The previous three month's precipitation data obtained from the Minnesota State Climatology Office suggest that the sampling period occurred under normal conditions. Antecedent precipitation data can be found in Appendix A. The growing season in this area is approximately from mid-April to mid-October, when the air temperature averages above 28 degrees F. This delineation was completed during the growing season.

2.1.2 National Wetlands Inventory

The National Wetlands Inventory (NWI) identified PEM1A and PFO1A wetland complex within the property boundary (Figure 2).

2.1.3 Web Soil Survey

The National Resource Conservation Service Web Soil Survey (Figure 7) identified the following soils:

Soil	Hydric Rating
Antigo silt loam, 1-8% slopes	0
Chetek sandy loam, 8-15% slopes	0
Quam silt loam	95
Klossner muck, 0-1% slopes	100
Kinglsey-Mahtomedi-Spencer complex, 3-8% slopes	0
Kennebec variant silt loam	10

2.1.4 Public Waters Inventory

The Minnesota Department of Natural Resources Public Waters Inventory shows that no public waters exist on the property (Figure 4).

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2.1.5 Topographic Map

A topographic map with aerial photo overlay was obtained from MNTOPO (Figure 6). This map was reviewed for suspected wetland areas based on topography and vegetative cover.

2.2 FIELD DELINEATION

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* and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region as follows:

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.

Transects were established in representative areas of each wetland. Each transect consisted of one sample point within the wetland and one sample point in upland. Other areas which have one or more of the wetland vegetation, soils, or hydrologic characteristics present, or where questionable conditions exist may also have been sampled. Data sheets for each sample point are available in Appendix B.

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.

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. Sample points are marked with orange numbered pin flags.

Any wetlands or sample points were mapped using GPS.

2.2.1 Vegetation

The plant species within the parcel were cataloged and assigned a wetland indicator status according to: Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin, 2016. *The National Wetland Plant List:* 2016 Wetland Ratings, Phytoneuron 2016-30: 1-17.

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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)[1], facultative wet (FACW), and/or facultative (FAC) wetland status.

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.

2.2.2 Hydric 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 8.1* (USDA NRCS 2017) if present at each sample point. Upper soil profiles were also compared to the mapped or inclusionary soil series found in the sample area for soil identification purposes.

2.2.3 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. If 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 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.

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[1] 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 within a category.

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To clarify, when investigating hydric soils in this area, one must consider the following:

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

3.0 RESULTS

3.1 WETLAND BASIN DESCRIPTIONS

Basin 1

Basin 1 was an approximately 3.55-acre, Type 2, PEMB, Wet meadow wetland. The basin was dominated by Green Ash, Reed Canary Grass and Jewelweed.

Hydrology indicators included D2 (geomorphic position) and D5 (fac neutral test).

Wetland soils met indicators A12 (thick dark surface) and F3 (depleted matrix).

Adjacent upland was typically dominated by Box Elder, Common Buckthorn and Common Burdock. Primary hydrology indicators were not observed at the upland sample point, and no hydric soil indicators were found in the upland sample point soil.

The wetland boundary followed a change in vegetation from wetland to upland plant communities, as well as a slight change in topography. The basin was shown as a PEM1A wetland on the NWI map (Figure 2) and was located within an area mapped as Quam silt loam (RATING=95) by the Web Soil Survey (Figure 7).

Sample data sheets 1-1UP, 1-1WET, 1-2UP and 1-2WET in Appendix B correspond to this basin.

Basin 2

Basin 2 was an approximately 0.175-acre, Type 1, PEM1A, Seasonally flooded basin wetland. The basin was dominated by Green Ash, Water Smartweed and Clearweed.

Hydrology indicators included B8 (sparsely vegetated concave surface), D2 (geomorphic position) and D5 (fac neutral test).

Wetland soils met indicator F3 (depleted matrix).

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Adjacent upland was typically dominated by Red Oak, Common Buckthorn, Virginia Creeper and Red Raspberry. Primary hydrology indicators were not observed at the upland sample point, and no hydric soil indicators were found in the upland sample point soil.

The wetland boundary followed a change in vegetation from wetland to upland plant communities, as well as a gradual change in topography. The basin was shown as a PEM1A wetland on the NWI map (Figure 2) and was located within an area mapped as Antigo silt loam (RATING=0) by the Web Soil Survey (Figure 7).

Sample data sheets 2-UP and 2-WET in Appendix B correspond to this basin.

Basin 3

Basin 3 was an approximately 0.44-acre, Type 2, PEMB, Wet meadow wetland. The basin was dominated by Green Ash, Reed Canary Grass and Dark Green Bulrush.

Hydrology indicators included D2 (geomorphic position) and D5 (fac neutral test).

Wetland soils met indicator A12 (thick dark surface).

Adjacent upland was typically dominated by Green Ash, Tall Goldenrod and Kentucky Bluegrass. Primary hydrology indicators were not observed at the upland sample point, and no hydric soil indicators were found in the upland sample point soil.

The wetland boundary followed a change in vegetation from wetland to upland plant communities, as well as a slight in topography. The basin was not shown as a PEMB wetland on the NWI map (Figure 2) and was located within an area mapped as Kennebec variant silt loam (RATING=10) by the Web Soil Survey (Figure 7).

Sample data sheets 3-UP and 3-WET in Appendix B correspond to this basin.

4.0 CONFIRMATION OF JURISDICTIONAL STATUS

Jacobson Environmental is submitting this report to the client and regulatory agencies to request a wetland boundary and type determination. We have enclosed an official WCA Approval of Wetland Type and Boundary form in Appendix D along with a USCOE wetland delineation concurrence request.

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5.0 CERTIFICATION

I certify that this wetland delineation meets the standards and criteria described in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 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.

I certify that this report has been prepared in accordance with regulatory standards. Thank you for the opportunity to provide wetland services on this important project.

If any wetland impacts are planned for this project, permits would be necessary from the LGU and other agencies.

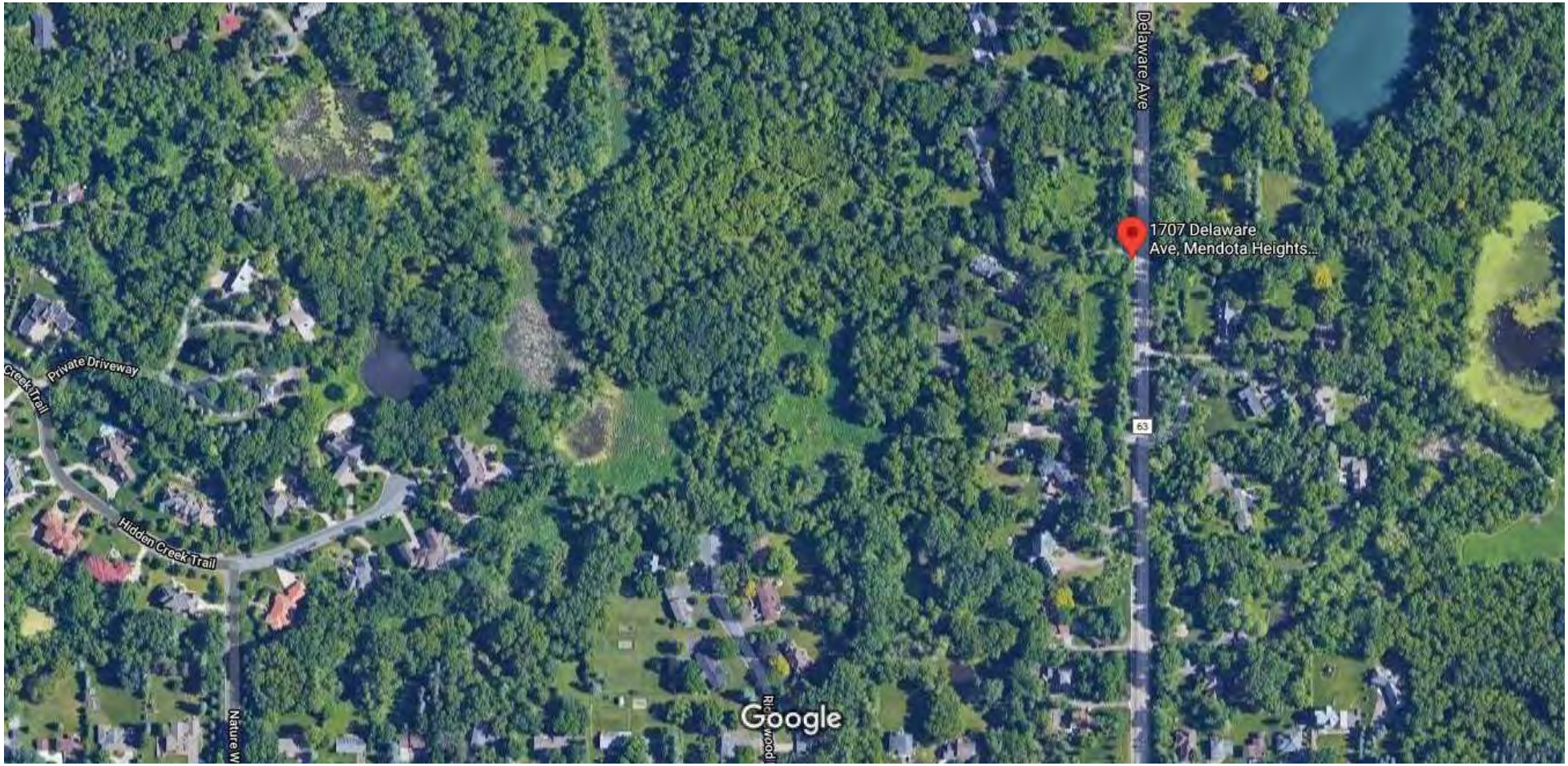


6/22/2021

Staff Scientist
Wetland Delineator In-Training #5305
Jacobson Environmental, PLLC.

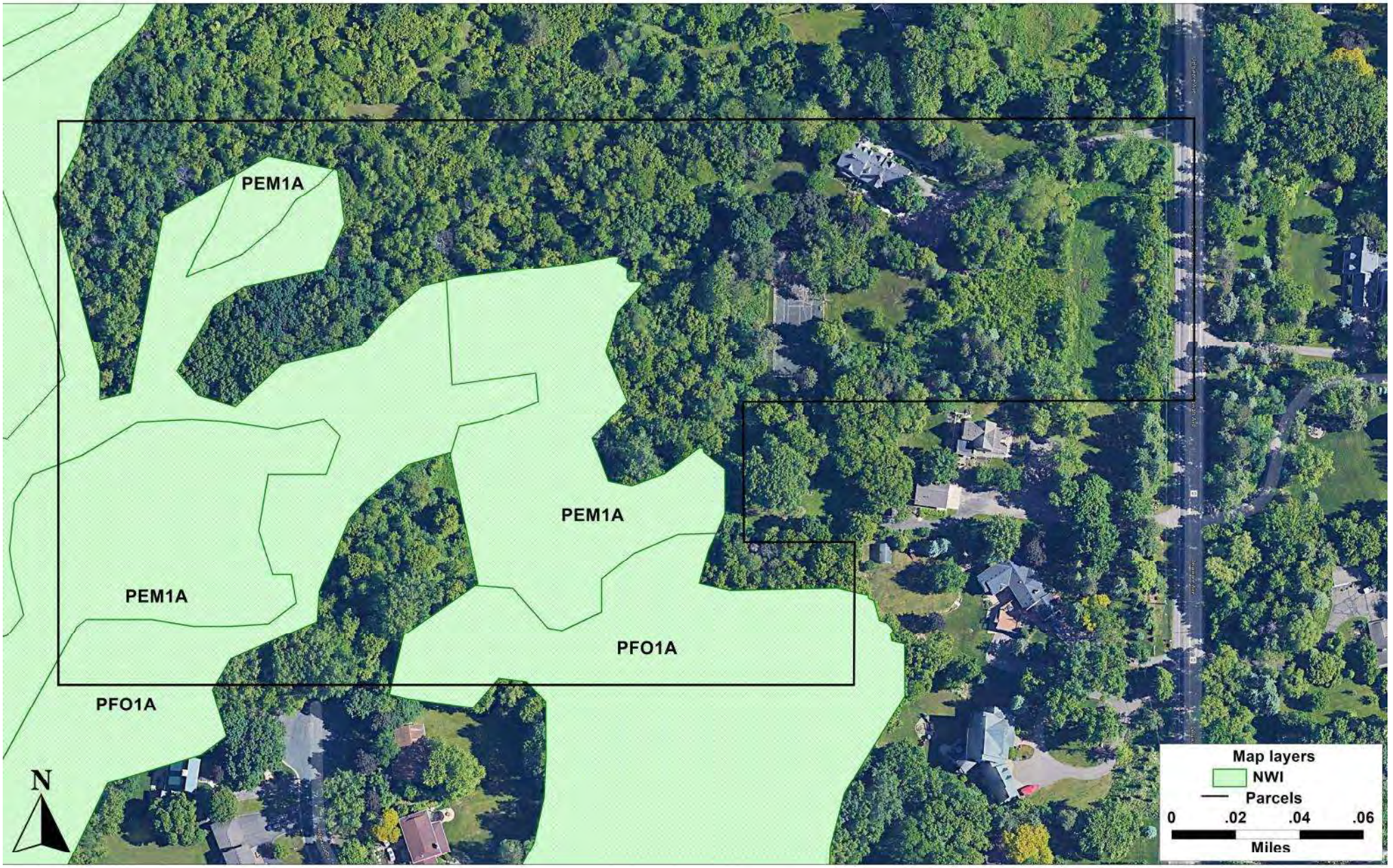
Figures

Google Maps 1707 Delaware Ave



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

Figure 2 NWI Map



Soil Map—Dakota County, Minnesota
(Figure 3 Soils Map)



Map Scale: 1:2,170 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 30 60 120 180

Feet
0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
49B	Antigo silt loam, 1 to 8 percent slopes	4.4	26.5%
155C	Chetek sandy loam, 8 to 15 percent slopes	5.9	36.0%
344	Quam silt loam	2.9	17.9%
539	Klossner muck, 0 to 1 percent slopes	1.9	11.4%
895B	Kingsley-Mahtomedi-Spencer complex, 3 to 8 percent slopes	0.0	0.0%
1816	Kennebec variant silt loam	1.4	8.3%
Totals for Area of Interest		**16.5**	**100.0%**

Figure 4 PWI Map



Figure 5 Delineation Map

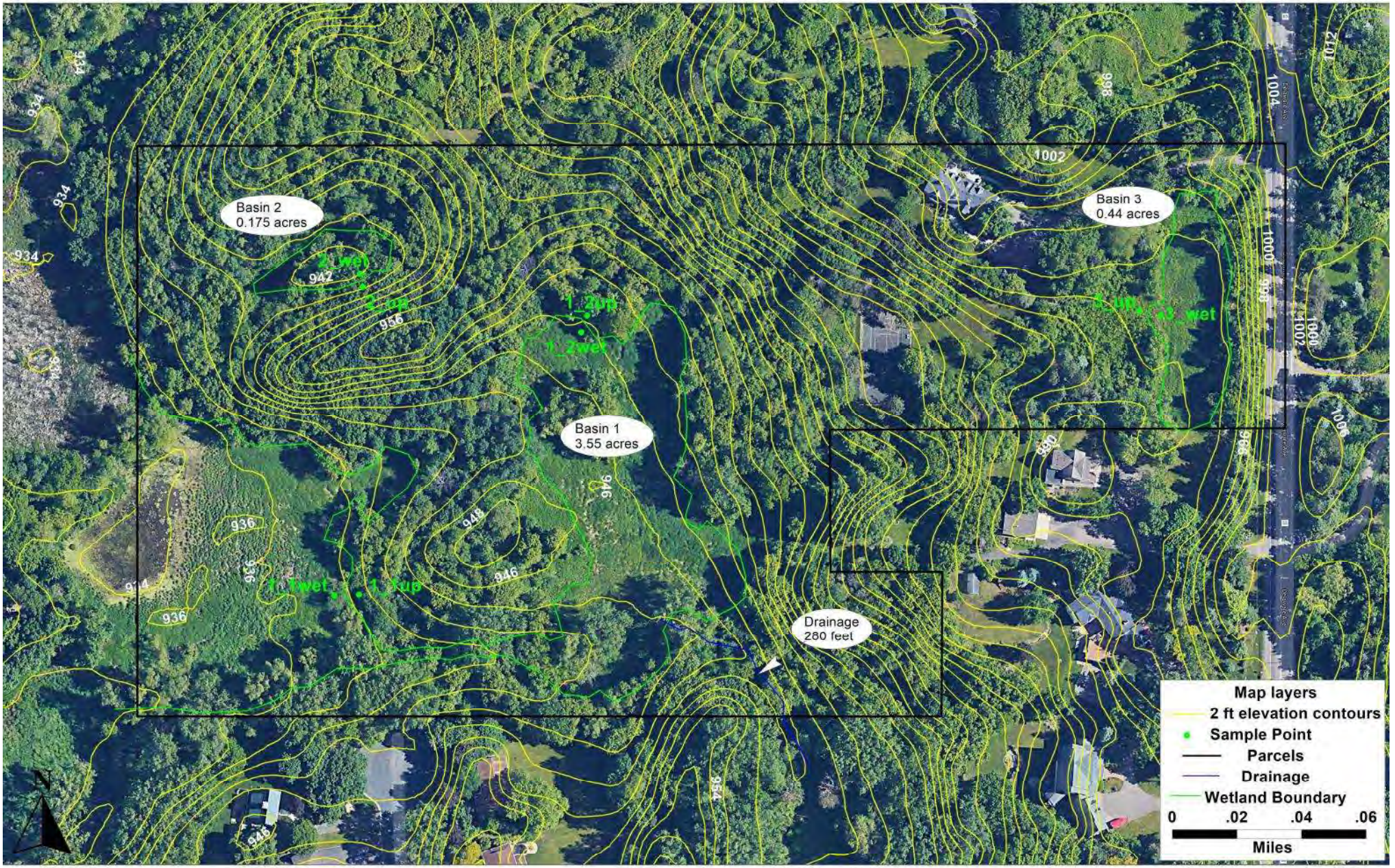
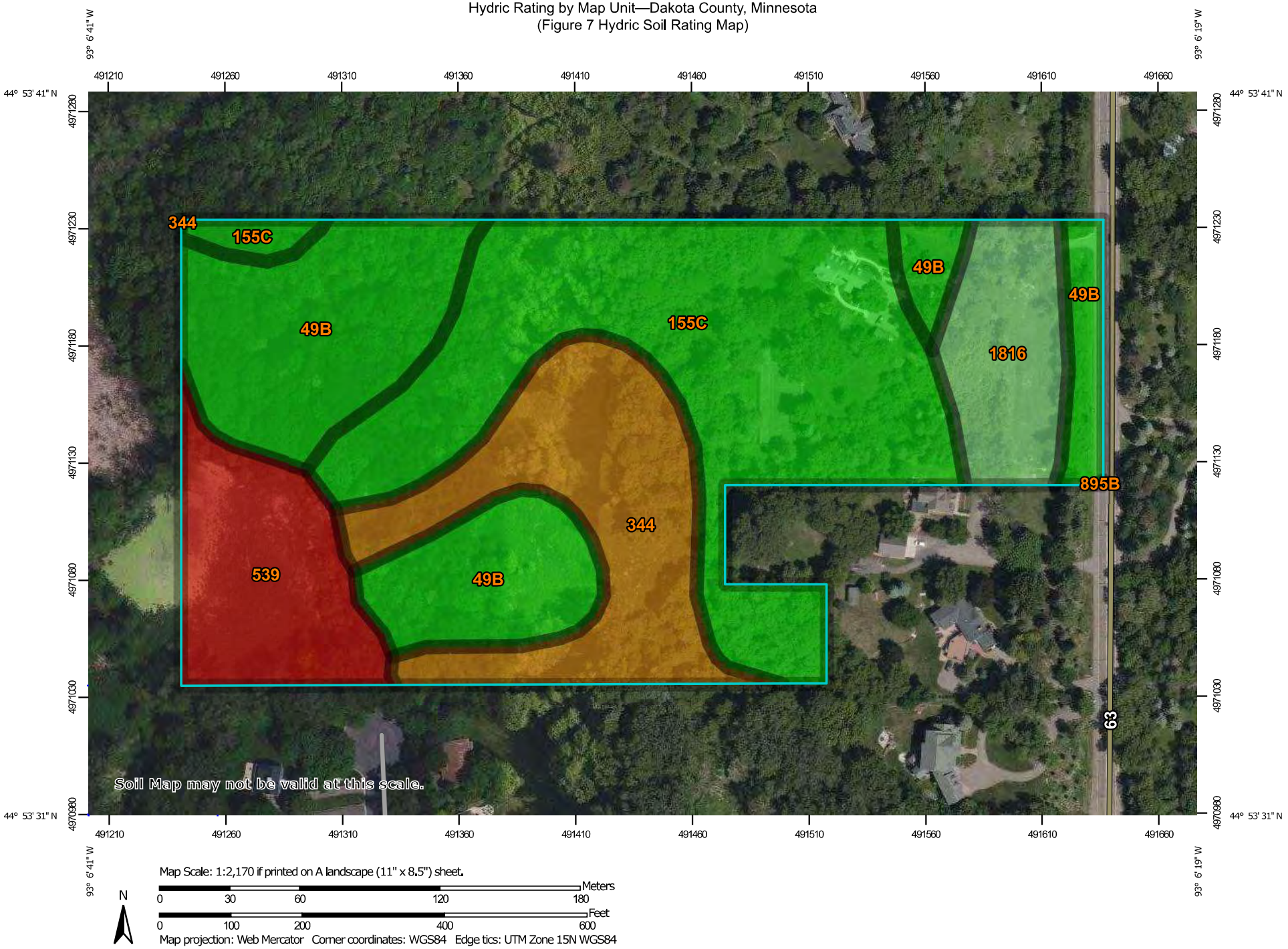


Figure 6 Site Map



Hydric Rating by Map Unit—Dakota County, Minnesota
(Figure 7 Hydric Soil Rating Map)



Map Scale: 1:2,170 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 30 60 120 180

Feet
0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
49B	Antigo silt loam, 1 to 8 percent slopes	0	4.4	26.5%
155C	Chetek sandy loam, 8 to 15 percent slopes	0	5.9	36.0%
344	Quam silt loam	95	2.9	17.9%
539	Klossner muck, 0 to 1 percent slopes	100	1.9	11.4%
895B	Kingsley-Mahtomedi-Spencer complex, 3 to 8 percent slopes	0	0.0	0.0%
1816	Kennebec variant silt loam	10	1.4	8.3%
Totals for Area of Interest			**16.5**	**100.0%**

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Appendix A

Antecedent Precipitation Data

Minnesota State Climatology Office

State Climatology Office - DNR Division of Ecological and Water Resources

Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:

county: **Ramsey** township number: **28N**
township name: **unnamed** range number: **23W**
nearest community: **Lilydale** section number: **24**

Aerial photograph or site visit date:
Thursday, June 17, 2021

Score using 1981-2010 normal period

values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates.	first prior month: **May 2021**	second prior month: **April 2021**	third prior month: **March 2021**
estimated precipitation total for this location:	2.02	**2.51R**	**3.56R**
there is a 30% chance this location will have less than:	2.91	2.20	1.40
there is a 30% chance this location will have more than:	4.43	3.48	2.22
type of month: dry normal wet	dry	**normal**	**wet**
monthly score	3x1=3	**2 * 2 = 4**	**1 * 3 = 3**
multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet)	10=normal		

Other Resources:

- retrieve daily precipitation data
- view radar-based precipitation estimates
- view weekly precipitation maps
- *Evaluating Antecedent Precipitation Conditions* (BWSR)

Minnesota State Climatology Office

State Climatology Office - DNR Division of Ecological and Water Resources

Nearest Station Precipitation Data Retrieval

Minnesota's precipitation data archive is searched for data closest to a selected target location for each month. Values from the site closest to the target location are returned below after clicking the ***retrieve monthly data*** or ***retrieve daily data*** buttons. The precipitation data are made up of measured rainfall and the measured liquid content of snowfall.

Temperature, **snowfall**, and **snow depth** data from National Weather Service reporting stations are no longer retrieved from this application. To obtain those data, see our newest data retrieval tool (May 2014). National Weather Service precipitation data continue to be available from this application.

Obtaining data for legal purposes
Guide for column headers in the data table

target location: Ramsey--Lilydale 28N 23W S24 (latitude: 44.89803 longitude: 93.11627)

click to select target location

years: 2021 to 2021

number of **missing days** allowed per month: 3

retrieve monthly data | retrieve daily data

results:

```
    Target: T28 R23 S24
mon year  cc tttN rrW ss nnnn oooooooo   pre (inches)                                  dis
Jan 2021  19  28N 22W 31 SWCD           1.11                                        2 mi.
Feb 2021  19  28N 22W 31 SWCD            .42                                        2 mi.
Mar 2021  62  28N 23W 16 SWCD           3.55                                        3 mi.
Apr 2021  19  28N 22W 31 SWCD           1.84                                        2 mi.
May 2021  62  28N 22W  6  NWS STPAULWB  2.02                                        3 mi.
Jun 2021                  m                                    999 mi.
Jul 2021                  m                                    999 mi.
Aug 2021                  m                                    999 mi.
Sep 2021                  m                                    999 mi.
Oct 2021                  m                                    999 mi.
Nov 2021                  m                                    999 mi.
Dec 2021                  m                                    999 mi.
```

Where indicated: Missing values are shown as 'm'. Days on which precip accumulated in the gage are shown as '-'. 'TTTT RR SS' is the 'public land survey(PLS)' or 'legal' location of the observed data. Section values greater 36 are SECTIC 'TIC' locations plus 100. 'NWS ID' the National Weather Service Cooperative station number. Note that the 'PLS' will always be correct for precipitation data while the 'NWS ID' will always be correct for the temperature data. If no PLS info is supplied the the 'NWS ID' number applies to all shown data.

State Climatology Office - MnDNR - Ecological and Water Resources

Appendix B

Sample Data Sheets

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-1UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Chetek sandy loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	N		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
3			
4			
5			
	0	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Rhamnus cathartica*	80	Y	FAC
2			
3			
4			
5			
	80	= Total Cover	

Herb stratum (Plot size: 5)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Arctium minus*	50	Y	FACU
2 *Rhamnus cathartica*	10	N	FAC
3 *Vicia americana*	5	N	FACU
4			
5			
6			
7			
8			
9			
10			
	65	= Total Cover	

Woody vine stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across all Strata: 2 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 50.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	0	x 2 =	0	
FAC species	90	x 3 =	270	
FACU species	55	x 4 =	220	
UPL species	0	x 5 =	0	
Column totals	145	(A)	490	(B)

Prevalence Index = B/A = 3.38

Hydrophytic Vegetation Indicators:

___ Rapid test for hydrophytic vegetation
___ Dominance test is >50%
___ Prevalence index is ≤3.0*
___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
35% bare ground

SOIL

Sampling Point: 1-1UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-16	10YR2/1	100					loam	
16-24	10YR3/1	100					loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-1WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): toeslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Quam silt loam | NWI Classification: PEMB
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
3			
4			
5			
	0	= Total Cover	
Sapling/Shrub stratum (Plot size: 15)			
1 *Rhamnus cathartica*	50	Y	FAC
2 *Ribes cynosbati*	10	N	FAC
3 *Lonicera tatarica*	10	N	FACU
4			
5			
	70	= Total Cover	
Herb stratum (Plot size: 5)			
1 *Phalaris arundinacea*	50	Y	FACW
2 *Impatiens capensis*	50	Y	FACW
3			
4			
5			
6			
7			
8			
9			
10			
	100	= Total Cover	
Woody vine stratum (Plot size: 30)			
1 *Vitis riparia*	10	Y	FACW
2			
	10	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 4 (A)
Total Number of Dominant Species Across all Strata: 4 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	110	x 2 =	220
FAC species	60	x 3 =	180
FACU species	10	x 4 =	40
UPL species	0	x 5 =	0
Column totals	180 (A)		440 (B)

Prevalence Index = B/A = 2.44

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 1-1WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-17	10YR2/1	100					loam	
17-24	10YR4/1	100					clay loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- X Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-2UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Chetek sandy loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Acer negundo*	40	Y	FAC
2			
3			
4			
5			
	40	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)			
1 *Rhamnus cathartica*	90	Y	FAC
2			
3			
4			
5			
	90	= Total Cover	

Herb stratum (Plot size: 5)			
1 *Rhamnus cathartica*	40	Y	FAC
2 *Arctium minus*	10	N	FACU
3 *Amphicarpaea bracteata*	5	N	FAC
4 *Alliaria petiolata*	1	N	FAC
5			
6			
7			
8			
9			
10			
	56	= Total Cover	

Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 3 (A)
Total Number of Dominant Species Across all Strata: 3 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	176	x 3 =	528
FACU species	10	x 4 =	40
UPL species	0	x 5 =	0
Column totals	186 (A)		568 (B)

Prevalence Index = B/A = 3.05

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
44% bare ground

SOIL

Sampling Point: 1-2UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-11	10YR4/3	100					loam	
11-24	10YR4/4	100					loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-2WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): toeslope | Local relief (concave, convex, none): concave
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Quam silt loam | NWI Classification: PEMB
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Fraxinus pennsylvanica*	10	Y	FACW
2			
3			
4			
5			
	10 = Total Cover		
Sapling/Shrub stratum (Plot size: 15)			
1			
2			
3			
4			
5			
	0 = Total Cover		
Herb stratum (Plot size: 5)			
1 *Phalaris arundinacea*	100	Y	FACW
2			
3			
4			
5			
6			
7			
8			
9			
10			
	100 = Total Cover		
Woody vine stratum (Plot size: 30)			
1			
2			
	0 = Total Cover		

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across all Strata: 2 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	110	x 2 =	220	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	110	(A)	220	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 1-2WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-10	10YR4/2	98	7.5YR4/4	2	C	PL	sandy loam	
10-24	10YR4/2	95	7.5YR4/4	5	C	PL	fine sandy loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 2-UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Antigo silt loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	N		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Quercus rubra*	30	Y	FACU
2			
3			
4			
5			
	30	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)			
1 *Rhamnus cathartica*	40	Y	FAC
2			
3			
4			
5			
	40	= Total Cover	

Herb stratum (Plot size: 5)			
1 *Rhamnus cathartica*	30	Y	FAC
2 *Parthenocissus quinquefolia*	10	Y	FACU
3 *Rubus idaeus*	10	Y	FACU
4			
5			
6			
7			
8			
9			
10			
	50	= Total Cover	

Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across all Strata: 5 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 40.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	70	x 3 =	210
FACU species	50	x 4 =	200
UPL species	0	x 5 =	0
Column totals	120 (A)		410 (B)

Prevalence Index = B/A = 3.42

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- ___ Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)

50% leaf litter/ bare ground

SOIL

Sampling Point: 2-UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-24	10YR5/3	100					silt loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 2-WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): depression | Local relief (concave, convex, none): concave
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Antigo silt loam | NWI Classification: PEM1A
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Fraxinus pennsylvanica*	40	Y	FACW
2			
3			
4			
5			
	40 = Total Cover		
Sapling/Shrub stratum (Plot size: 15)			
1 *Fraxinus pennsylvanica*	5	Y	FACW
2			
3			
4			
5			
	5 = Total Cover		
Herb stratum (Plot size: 5)			
1 *Polygonum amphibium*	5	Y	OBL
2 *Pilea pumila*	5	Y	FACW
3			
4			
5			
6			
7			
8			
9			
10			
	10 = Total Cover		
Woody vine stratum (Plot size: 30)			
1			
2			
	0 = Total Cover		

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 4 (A)
Total Number of Dominant Species Across all Strata: 4 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	5	x 1 =	5
FACW species	50	x 2 =	100
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column totals	55 (A)		105 (B)

Prevalence Index = B/A = 1.91

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
90% leaf litter/bare ground

SOIL

Sampling Point: 2-WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-10	10YR4/2	80	7.5YR4/4	20	C	PL	sandy loam	
10-24	10YR5/1	90	7.5YR4.4	10	C	PL	loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- X Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 3-UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Kennebec variant silt loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
3			
4			
5			
	0	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)			
1 *Fraxinus pennsylvanica*	80	Y	FACW
2			
3			
4			
5			
	80	= Total Cover	

Herb stratum (Plot size: 5)			
1 *Solidago altissima*	60	Y	FACU
2 *Poa pratensis*	30	Y	FAC
3 *Silybum marianum*	4	N	FACU
4 *Cirsium arvense*	3	N	FACU
5 *Erigeron strigosus*	3	N	FACU
6			
7			
8			
9			
10			
	100	= Total Cover	

Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across all Strata: 3 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 66.67% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	80	x 2 =	160
FAC species	30	x 3 =	90
FACU species	70	x 4 =	280
UPL species	0	x 5 =	0
Column totals	180 (A)		530 (B)

Prevalence Index = B/A = 2.94

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 3-UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-7	10YR3/2	100					sandy loam	
7-24	10YR5/4	100					coarse sand	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 3-WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): toeslope | Local relief (concave, convex, none): concave
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Kennebec variant silt loam | NWI Classification: PEMB
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Fraxinus pennsylvanica*	10	Y	FACW
2			
3			
4			
5			
	10 = Total Cover		

Sapling/Shrub stratum (Plot size: 15)			
1 *Fraxinus pennsylvanica*	10	Y	FACW
2			
3			
4			
5			
	10 = Total Cover		

Herb stratum (Plot size: 5)			
1 *Phalaris arundinacea*	80	Y	FACW
2 *Sciprus atrovirens*	15	N	OBL
3 *Fraxinus pennsylvanica*	5	N	FACW
4			
5			
6			
7			
8			
9			
10			
	100 = Total Cover		

Woody vine stratum (Plot size: 30)			
1			
2			
	0 = Total Cover		

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 3 (A)
Total Number of Dominant Species Across all Strata: 3 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	15	x 1 =	15	
FACW species	105	x 2 =	210	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	120	(A)	225	(B)

Prevalence Index = B/A = 1.88

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 3-WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-6	10YR2/1	100					loam	
6-24	10YR2/1	100					clay loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- X Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes ___	No X	Depth (inches):	-	
Water table present?	Yes ___	No X	Depth (inches):	>24	**Indicators of wetland hydrology present?** Y
Saturation present? (includes capillary fringe)	Yes ___	No X	Depth (inches):	>24	

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix C

Site Photographs



1-1 Representative photo



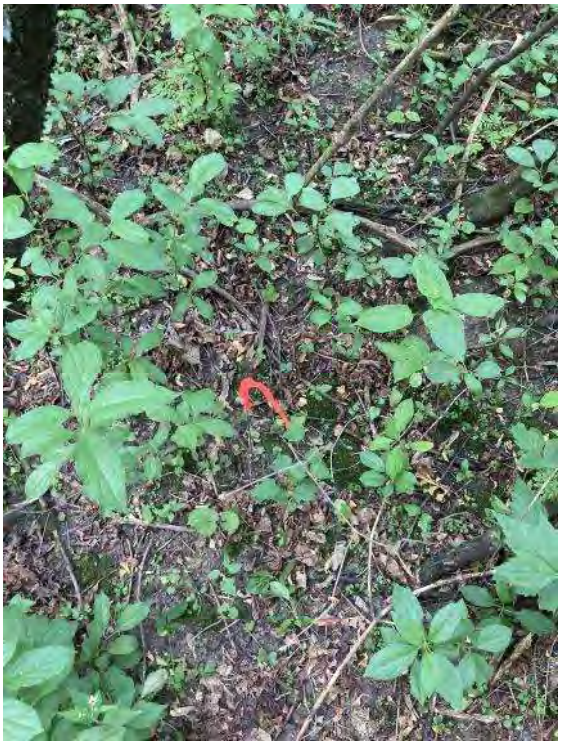
1-1UP



1-1WET



1-2 Representative photo



1-2UP



1-2WET



2-Representative photo



2-UP



2-WET



3-Representative photo



3-UP



3-WET

Appendix D

Wetland Type and Boundary Approval Forms

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit: City of Mendota Heights	**County:** Dakota
Applicant Name: Mark Sullivan	**Applicant Representative:** Jacobson Environmental
Project Name: Sullivan Acres - 1707 Delaware Ave	**LGU Project No. (if any):** 2021-01
Date Complete Application Received by LGU: 8/12/2021	
Date of LGU Decision: 9/09/2021	
Date this Notice was Sent: 9/10/2021	

WCA Decision Type - check all that apply

☒ Wetland Boundary/Type ☐ Sequencing ☐ Replacement Plan ☐ Bank Plan (not credit purchase)
☐ No-Loss (8420.0415) ☐ Exemption (8420.0420)
Part: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H Subpart: ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: ☐ Project Specific Credits: ☐ Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

☐ Approve ☐ Approve w/Conditions ☐ Deny ☒ No TEP Recommendation

LGU Decision

☐ Approved with Conditions (specify below)[1] ☒ Approved[1] ☐ Denied
List Conditions:

Decision-Maker for this Application: ☐ Staff ☒ Governing Board/Council ☐ Other:

Decision is valid for: ☒ 5 years (default) ☐ Other (specify):

[1] *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision[1].

☒ Attachment(s) (specify): **Location Map, Wetland Delineation Report**

☒ Summary: Three separate wetland basins were identified and delineated, as called out in the attached delineation report, dated 6/22/2021. Wetland 1 is a Type 2 wetland with a total area of 3.55 acres, Wetland 2 is a Type 1 wetland with a total area of .175 acres, and Wetland 3 is a Type 2 wetland with a total area of .44 acres. Staff reviewed the delineation on-site on August 18, 2021, and concurred with the delineation as submitted in the report. During its regular meeting on September 9, 2021, the Mendota Heights City Council voted to approve and accept the findings of the Wetland Delineation Report, dated 6/22/201. As the Local Government Unit authorized to administer MN Rule 8420 under the Wetland Conservation Act, the City of Mendota Heights approves the Joint Water Resources application for wetland boundary and type, and concurs with the findings within the Delineation Report dated June 22, 2021. This concludes our review.

[1] *Findings must consider any TEP recommendations.*

Attached Project Documents

☒ Site Location Map ☒ Project Plan(s)/Descriptions/Reports (specify): **Application and Delineation Report**

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for $500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

☒ Yes[1] ☐ No

[1]*If yes, all appeals must first be considered via the local appeals process.*

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

The aggrieved party may appeal the decision of the city council or designee by filing a notice of appeal, in writing, within ten (10) days of receiving written notice of the city's action. Appeals may be delivered in person, or by mail to: 1101 Victoria Curve, Mendota Heights, MN 55118.

Notice Distribution (include name)

Required on all notices:

☒ SWCD TEP Member: Dave Holmen	☒ BWSR TEP Member: Ben Carlson
☐ LGU TEP Member (if different than LGU contact):	
☒ DNR Representative: Melissa Collins	
☒ Watershed District or Watershed Mgmt. Org.: Joe Barten	
☒ Applicant: Mark Sullivan	☒ Agent/Consultant: Jacobson Environmental

Optional or As Applicable:

☒ Corps of Engineers: USACE_Requests_MN@usace.army.mil	
☐ BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
☐ Members of the Public (notice only):	☐ Other:

Signature:	**Date:** 9/10/21

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Description of Stream Features Worksheet

The Corps encourages applicants to complete this worksheet to aid in the identification of streams within a project area. Provide representative photographs of the stream features outlined in this form in a separate attached document.

Project ID Number:	McMillan Estates	**Latitude (DD):**	44.8927273 N
Feature ID:	Reach 01	**Longitude (DD):**	93.10846875 W
Waterbody Name*:	Unnamed Stream	**Length of Reach (ft):**	185 LF
Investigator (s):	Lucius Jonett	**Top of Bank Width (ft):**	12'
Inspection Date:	May 19, 2025	**OHWM Elevation:**	945.4'
County/State:	Dakota/MN	**Special Designations:**	None

Site Description and Site History*:

Site is a forested suburban lot managed by the landowner to clear brush and buckthorn.

Associated Wetland(s)? *If yes, provide a brief description below and attach figures of locations*

Unnamed stream, called out as Drainage in attached wetlad delinetaion, flows into delineated wetland Basin 1, a type 2 wet meadow.

*Include Historic Aerial photographs and Topographic Maps (historic and current) of stream when appropriate (see instructions).

Water Regime (check all that apply):

☐ **Perennial** ☒ **Intermittent** ☐ **Ephemeral**

Explain Reasoning *(attach all supporting data):*

MN DNR Rivers and Streams GIS dataset
Kittle Number: MAJ-070129482-B
Kittle Name: None

Other Evidence: *List/describe an additional field evidence and/or lines of reasoning used to support your delineation*

1st order stream is a tributary to additional unnamed channels that ultimately drain to the Mississippi River.

Ordinary High Water Mark (OHWM) Criteria:

*Check all that apply and provide representative photographs** of each checked criteria in an attachment.*

☐ Clear, natural line impressed on bank
☒ Vegetation matted down, bent or absent
☒ Leaf litter disturbed or washed away
☐ Abrupt change in plant community
☐ Destruction of terrestrial vegetation
☐ Changes in soil characteristics
☐ Sediment deposition
☐ Sediment sorting
☐ Presence of litter or debris
☐ Shelving
☐ Evidence of scouring
☒ Water staining on leaf debris/tree trunks rocks

List of Photo ID Numbers:

IMG_6649, IMG_6651, IMG_6652, IMG_6653, IMG_6657

Unique Features:

Check all that apply and provide representative photographs of each checked criteria in an attachment.

☐ Unstable Banks
☐ Rock Outcrop
☐ Riffles/Runs
☐ Bridge/culvert
☐ Steep Sideslopes
☐ Headcutting
☐ Gravel Bars/Islands
☐ Riprap
☐ Diversion/Intake
☐ Buildings
☒ Erosion
☐ Channelization
☐ Seeps
☐ Dams
☐ Pools
☒ Large Woody Debris
☐ Concentrated Flow Points (e.g. Tile)
☐ Aquatic fauna (macroinvertebrates, fish etc.)
☐ Submergent Aquatic Vegetation
☒ Undercut Banks Left Bank

List of Photo ID Numbers:

IMG_6658
IMG_6659

Bed Material Characterization:

Estimate percentages to describe the general sediment texture of the channel, provide representative photographs when conditions allow.

	Clay/Silt <0.05mm	**Sand 0.05- 2mm**	**Gravel 2mm- 1cm**	**Cobbles 1-10cm**	**Boulders >10cm**
Bed Material	40%			40%	20%

Notes/Description and Photo ID Numbers:

IMG_6654

Vegetation:

Check boxes of the strata that are present in the reach and provide a brief description of the general vegetation characteristics. List the dominant species of each strata and describe which strata is dominant. Provide representative photographs of vegetation, including riparian buffer.

☒ **Tree** ☐**Shrub** ☒ **Herbaceous** ☐**Bare**

Notes/Description and Photo ID Numbers:

Dominant forest canopy with mature buckthorn tree understory. Not a lot of shrub growth due to landowner management. Dominant spring ephemeral, fern and tree seedling growth on the herbaceous strata. IMG_6661 and IMG_6662

Riparian Area Width:

Provide a general estimate in feet of the width of the riparian corridor that currently contains riparian vegetation and is free from any soil-disturbing land uses (MNSQT, 2019).

Notes/Description and Photo ID Numbers:

Fully vegetated riparian area width of 70' to 90', to the valley edges (natural hillslope).
IMG_6661
IMG_6662

Notes:

Provide any additional information below, all photographs and maps should be provided in an attached appendix.

Channel cross-section data

Station	Elevation	
0.0'	947.2'	TOB - Left Bank
1.0'	945.5'	OHWL
2.5'	945.2'	WSE
4.75'	945.2'	WSE
7.0'	945.4'	OHWL
8.0'	945.7'	
9.0'	946.0'	
10.0'	946.4'	
12.0'	947.2'	TOB - Right Bank



IMG_6648
Channel looking downstream.



IMG_6649
OHWL Delineation



IMG_6651
OHWL Delineation



IMG_6652
Channel looking downstream.
OHWL Delineation



IMG_6653
Channel looking downstream.
OHWL Delineation


IMG_6654
Bed Material substrate


IMG_6655
Channel looking upstream


IMG_6657
OHWL Water Staining



IMG_6658
Left Bank Erosion



IMG_6659
Channel looking downstream.



IMG_6661
Left bank riparian area vegetation


IMG_6662
Right bank riparian area
vegetation

From: Chesnut, Jed (BWSR)
To: Krista Spreiter
Cc: Holmen, David; Sarah Madden
Subject: McMillan Estates de minimis application
Date: Friday, May 30, 2025 9:39:08 AM
Attachments: image001.png

Krista,

I have reviewed the McMillan Estates application for a de minimis exemption. I have the following comments:

- Per the 2024 Statute amendment of Section 103G.2241, subdivision 9; wetland impacts of 1/20 acre (2,178 square feet) or less outside of the shoreland wetland protection zone in a less than 50% area of the State do not require replacement. Therefore, the McMillian Estates de minimis application with the proposed wetland impact of 2,170 square feet qualifies for the de minimis exemption per Mn Statute 103G.2241, subdivision 9.
- Wetland impacts that are authorized under a Wetland Conservation Act exemption are not subject to the replacement requirements of Mn Rule 8420.0500 and therefore are not required to meet the sequencing standards of Mn Rule 8420.0520 or the replacement standards per Mn Rule 8420.0522.
- The 2024 Statute amendment of Section 103G.2241, subdivision 9 removed the requirement to consider the cumulative area drained or filled of a landowner's portion of a wetland.
- The Joint Application Form (dated April 14, 2025) that accompanied the Notice of Application (dated 4/21/2025) contained supplemental information including a delineation report from 2021 that was completed by Jacobson Environmental. In that Jacobson Environmental delineation report (dated 6/22/2021), there is an additional application (Appendix D) that includes information related to a replacement plan application for proposed wetland impacts from what appears to be a previous site design and plan. That replacement plan application (dated 8/4/2021) should be removed from the current de minimis application since it is not relevant to the current proposed project. I recommend you request that the applicant revise their document and remove that embedded application and other non-relevant information.

Based on my review of the McMillian Estates de minimis exemption application, I recommend the application be approved subject to the standard exemption approval conditions per Mn Rule 8420.0410.

Thank you,

Jed Chesnut | Wetland Specialist
Minnesota Board of Water and Soil Resources
520 Lafayette Road North | St. Paul, MN | 55155
Phone: 651-286-9334

jed.chesnut@state.mn.us | www.bwsr.state.mn.us



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
ST. PAUL DISTRICT OFFICE
332 MINNESOTA STREET SUITE E1500
ST. PAUL MINNESOTA 55101

June 18, 2025

Regulatory File No. MVP-2021-01218-SSC

Spencer McMillan
1707 Delaware Avenue
Mendota Heights, MN 55118
SMcMillan@McMillanElectric.com

Dear Spencer McMillan,

We are responding to your request for authorization to discharge fill material in waters of the U.S. associated with the McMillan Estates residential development. The proposed work is located in Section 24, Township 028N, Range 023W, Dakota County, Minnesota.

Project Authorization:
The regulated activities associated with this project are detailed on the attached drawings and include:

- Permanent discharge of fill material into 0.05 acre of wetland associated with a roadway to access upland for the residential development.
- Permanent discharge of fill material into 0.01 acre of an unnamed tributary along 60 linear feet associated with the placement of culverted road crossing.

We have determined that these activities are authorized by a Nationwide Permit (NWP) or a Regional General Permit (RGP), specifically, NWP 29, Residential Developments. Your project requires verification prior to starting work. This work is shown on the enclosed figures, labeled MVP-2021-01218-SSC Pages 1-2 of 2.

Conditions of Your Permit:
You must ensure the authorized work is performed in accordance with the enclosed applicable terms and conditions.

You are also required to complete and return the enclosed Compliance Certification form within 30 days of completing your project. Please email the completed form to the contact identified in the last paragraph.

A change in location or project plans may require re-evaluation of your project. Proposed changes should be coordinated with this office prior to construction. Failure to comply with all terms and conditions of this permit invalidates this authorization and could result in a violation of Section 301 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, Tribal, and other Federal permits that apply to this project.

Water Quality Certification:

You must also comply with the enclosed Water Quality Certification conditions associated with this General Permit.

Permit Expiration:

The 2021 NWP is valid until March 14, 2026 unless modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity before the date of General Permit expiration, modification, or revocation, you have 12 months to complete the activity under the present terms and conditions of the General Permit.

Jurisdictional Determination:

No jurisdictional determination was requested or prepared for this permit decision. While not required for this project, you may contact the Corps representative listed below with any questions concerning jurisdictional determinations.

Contact Information:

If you have any questions, please contact Samantha Coungeris of the St. Paul at 651-290-5268 or by email at Samantha.S.Coungeris@usace.army.mil.

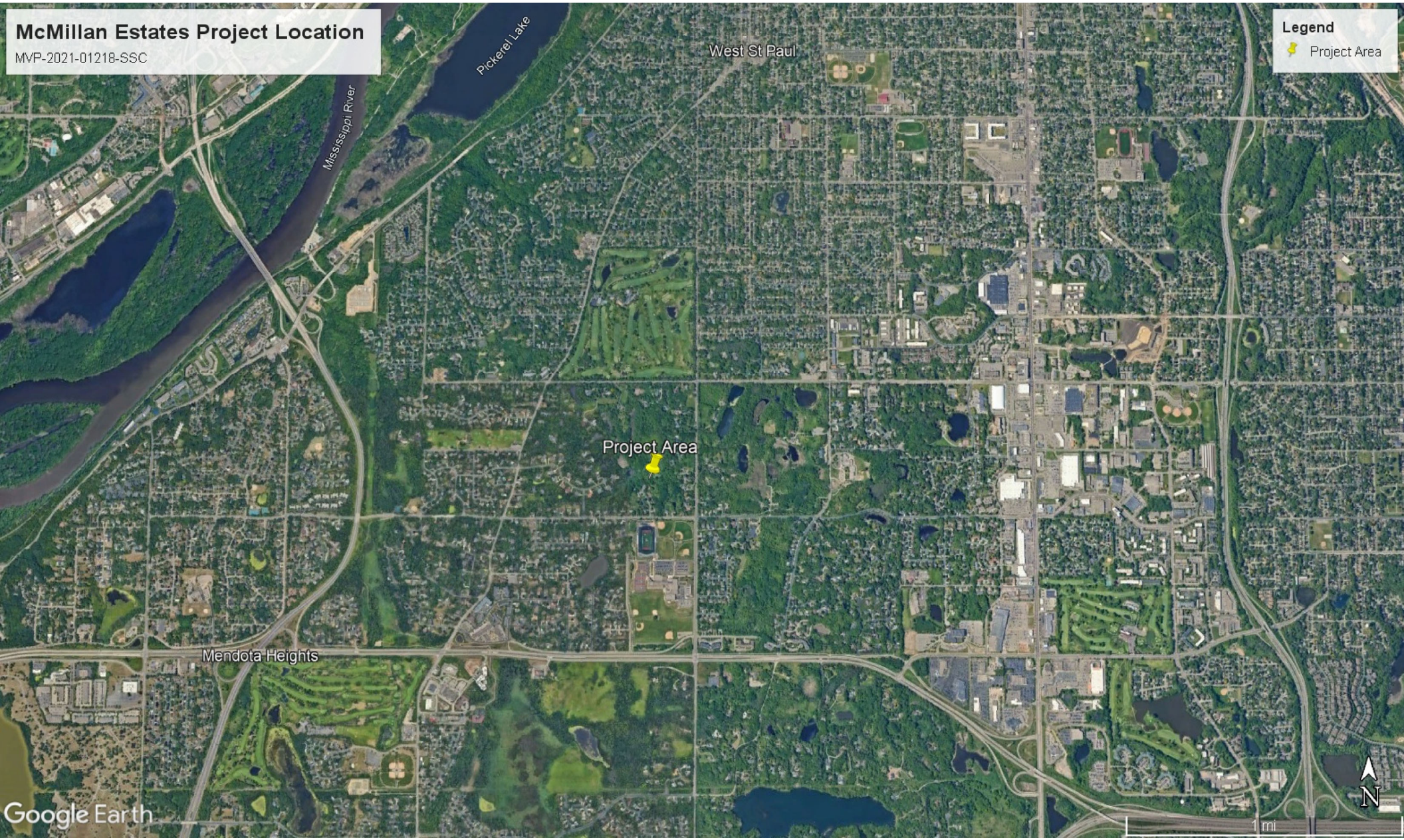
Sincerely,

Samantha Coungeris

Samantha Coungeris
Project Manager

Enclosures
Project Drawings, GP Conditions, WQC, Compliance Certification Form

CC:
Lucius Jonett, Midwest Wetland Improvements, LLC; lucius@midwestwetlands.com


McMillan Estates Project Location
MVP-2021-01218-SSC
Legend
Project Area
Pickerel Lake
Mississippi River
West St Paul
Project Area
Mendota Heights
Google Earth
N
1 mi

MCMILLAN ESTATES

PRELIMINARY PLAT

SEE THE CONSTRUCTION PLANS FOR GRADING, DRAINAGE, STREET, SANITARY SEWER, AND WATERMAIN FOR FOR DETAILED IMPROVEMENTS

LEGAL DESCRIPTION

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING AND ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
CONTACT: WAYNE JACOBSON
612-802-6619

NOTE: DELINEATOR HAS RETIRED.

ZONING INFORMATION

EXISTING ZONING = R-1A
MINIMUM LOT SIZE = 30,000 SQ. FT.
MINIMUM LOT WIDTH = 125 FEET
MINIMUM FRONT YARD SETBACK = 40 FEET
MINIMUM SIDE YARD SETBACK = 15 FEET OR 1/2 THE HEIGHT OF STRUCTURE CONTIGUOUS TO STRUCTURE, WHICHEVER IS GREATER
MINIMUM REAR YARD SETBACK = 30 FEET OR 20% OF AVG. LOT DEPTH, WHICHEVER IS GREATER

PLAT AREAS

TOTAL PLAT AREA = 16.63 ACRES
PROPOSED LOT 1, BLOCK 1 = 158,544 SF = 3.64 ACRES
PROPOSED LOT 2, BLOCK 1 = 61,652 SF = 1.42 ACRES
PROPOSED LOT 3, BLOCK 1 = 53,242 SF = 1.22 ACRES
PROPOSED LOT 4, BLOCK 1 = 153,532 SF = 3.52 ACRES
PROPOSED LOT 5, BLOCK 1 = 77,002 SF = 1.77 ACRES
PROPOSED LOT 6, BLOCK 1 = 162,659 SF = 3.73 ACRES

PROPOSED RIGHT OF WAY
RIDGEWOOD DRIVE = 38,158 SF = 0.88 ACRES
DELAWARE AVE. = 19,751 SF = 0.45 ACRES

WETLANDS

WETLANDS HAVE BEEN DELINEATED AS SHOWN. 2170 SQ. FT. OF WETLANDS WILL BE IMPACTED FOR THE RIDGEWOOD DR. EXTENSION AND FUTURE DRIVES. PER DEMINIMUS RULES, NO WETLAND MITIGATION IS REQUIRED. A 25 FEET AVERAGE WETLAND BUFFER IS SHOWN WITH A MINIMUM BUFFER WIDTH OF 10 FEET. TOTAL 25 FEET BUFFER REQUIRED = 75,504 SF, TOTAL BUFFER PROVIDED = 75,609 SF.

PROPOSED IMPROVEMENTS

RIDGEWOOD DRIVE WILL BE EXTENDED TO PROVIDE ACCESS AND UTILITY CONNECTIONS FOR LOTS 1, 2, 3, 5, AND 6. NO IMPROVEMENTS ARE PROPOSED FOR LOT 4. THE EXISTING CUL DE SAC WILL BE REMOVED. SEE THE PROPOSED CONSTRUCTION PLANS FOR DETAILS.

TREE PRESERVATION

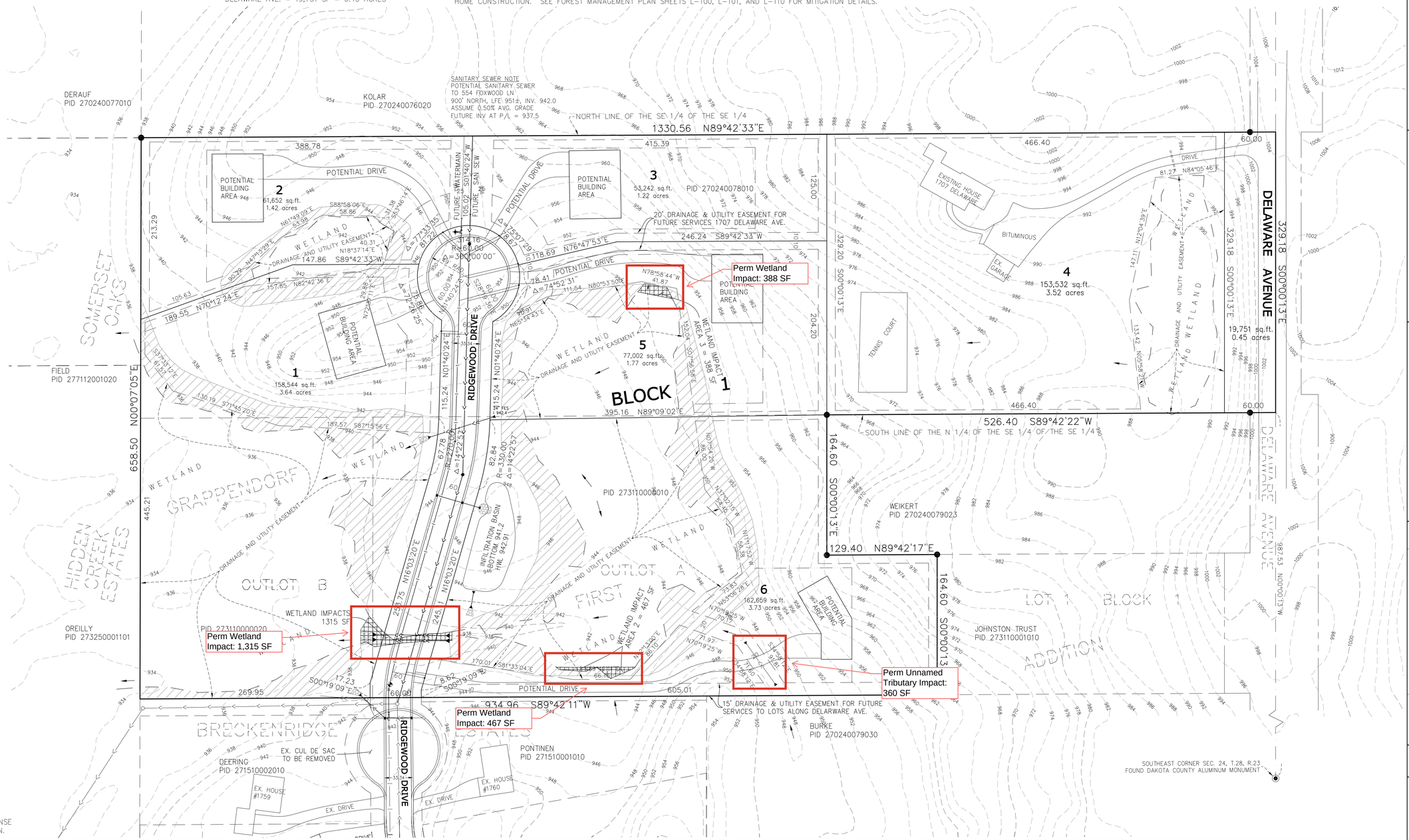
TREES HAVE BEEN INVENTORIED WITHIN THE POTENTIAL IMPROVEMENT AREAS. TREE INVENTORY AND REMOVALS FOR THE PROPOSED IMPROVEMENTS ARE SHOWN IN THE CONSTRUCTION PLANS. TREES HAVE NOT BEEN INVENTORIED FOR ALL OF THE INDIVIDUAL LOT IMPROVEMENTS. IF REQUIRED BY THE CITY, THOSE INVENTORIES WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. SEE FOREST MANAGEMENT PLAN SHEETS L-100, L-101, AND L-110 FOR MITIGATION DETAILS.

UTILITIES

UTILITIES WILL BE EXTENDED FROM EXISTING STUBS TO NORTH OF THE PROPOSED CUL DE SAC.EXISTING TO THE END OF THE NEW CUL DE SAC. POTENTIAL FUTURE UTILITY EXTENSIONS ARE SHOWN TO SERVE LOTS TO THE NORTH. SERVICE TAPS WILL BE PROVIDED FOR 1707 DELAWARE AVE. AND AN EASEMENT WILL BE PROVIDED TO EXTEND SERVICES TO THE EXISTING HOUSE. A 15 FEET EASEMENT WILL BE PROVIDED FOR POTENTIAL FUTURE UTILITY SERVICES TO HOMES ALONG DELWARE AVE. TO THE EAST.

STORMWATER

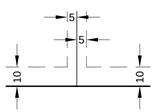
STORMWATER TREATMENT FOR THE INCREASE IN IMPERVIOUS FOR RIDGEWOOD DRIVE WILL BE PROVIDED BY AN INFILTRATION BASIS AS SHOWN. DUE TO THE TOPOGRAPHY OF THE SITE AND LOCATION OF FUTURE HOMES, THE IMPERVIOUS RUNOFF FROM THE INDIVIDUAL LOT IMPROVEMENTS COULD NOT BE CONVEYED TO THE PROPOSED INFILTRATION BASIN. THE INDIVIDUAL LOTS WILL PROVIDE VOLUME REDUCTION AND RATE CONTROL AT THE TIME OF HOME CONSTRUCTION. THE INCREASE IN IMPERVIOUS SURFACE FOR RIDGEWOOD DRIVE IS 0.43 ACRES. THE ESTIMATED INCREASE IN IMPERVOUS SURFACE FOR LOTS 1, 2, 3, 5, AND 6 IS 0.9 ACRES.



LEGEND

- PLAT BOUNDARY
- LOT LINE
- SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- EX. STORM SEWER
- EX. SAN. SEWER
- EX. WATERMAIN
- EX. HYDRANT
- 25' AVG. WIDTH WETLAND BUFFER, 10' MINIMUM WIDTH

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.



THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ● DENOTES IRON MONUMENT FOUND
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Preliminary Plat
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET 1 OF 1 SHEETS

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

2021 Nationwide Permits (NWP)

St. Paul District Regional Conditions for Minnesota and Wisconsin

To qualify for NWP authorization, the prospective permittee must comply with the following regional conditions, as applicable, in addition to any case specific conditions imposed by the division engineer. The St. Paul District Regulatory website will provide current information regarding NWPs and the necessary 401 Water Quality Certifications at https://www.mvp.usace.army.mil/missions/regulatory/nwp/. Every person who wishes to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

The following NWPs have been revoked and are not available for use in St. Paul District: NWPs 8, 12, 14, 15, 21, 23, 24, 34, 48, 49, 50, 55, 56, 57, and 58.

Information on other permits available for use in St. Paul District can be found at: https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/.

Any regulated activity eligible for authorization under a St. Paul District Special Area Management Plan (SAMP) general permit is not eligible for authorization by NWPs.

The following regional conditions are applicable to all NWPs:

A. **Linear Projects:** No linear utility or linear transportation projects are eligible for authorization by NWPs. These projects will be reviewed for authorization under the St. Paul District's regional general permits or an individual permit.

B. **Temporary Impacts:** All regulated temporary impacts to waters of the U.S. must comply with the following criteria:

(1) If the temporary impacts in waters of the U.S., including wetlands, that occur as a result of the regulated activity would remain in place for longer than 90 days between May 15 and November 15, a PCN is required.

(2) Any PCN with temporary impacts must specify how long the temporary impact will remain and include a restoration and re-vegetation plan showing how all temporary fills and structures will be removed and the area restored to preconstruction contours and elevations. Native, non-invasive vegetation must be used unless otherwise authorized by a Corps NWP verification.

C. **PCNs for Apostle Islands National Lakeshore and Madeline Island**: A project proponent must notify the District by submitting a PCN if the regulated activity would result in excavation, fill, or the placement of a new structure within the boundaries of Apostle Islands National Lakeshore and Madeline Island in Wisconsin. Regulated activities authorized under NWP 3 (Maintenance) are not subject to this condition unless they include bank shaping or excavation.

D. **Calcareous fens:**

WISCONSIN: No work in a calcareous fen is authorized by a NWP unless the Wisconsin Department of Natural Resources (WI DNR) has approved a permit for the proposed regulated activity. Project proponents must provide evidence of an approved permit to the District.

MINNESOTA: No work in a calcareous fen is authorized by a NWP unless the Minnesota Department of Natural Resources (MN DNR) has approved a calcareous fen management plan specific to a project that otherwise qualifies for authorization by a NWP. Project proponents must provide evidence of an approved fen management plan to the District. A list of known Minnesota calcareous fens can be found at: http://files.dnr.state.mn.us/eco/wetlands/calcareous_fen_list.pdf.

E. **Special Aquatic Resources:** A project proponent must notify the District by submitting a PCN if a regulated activity would occur in any of the following aquatic resources:

(1) State-designated wild rice waters[1,2];

(2) Bog wetland plant communities[1,3];

(3) Fens[1,3];

(4) Coastal plain marshes[1,4];

(5) Interdunal wetlands[1,4];

(6) Great Lakes ridge and swale complexes[1,4];

(7) Aquatic resources within Lake Superior National Estuarine Research Reserve;

(8) Ramsar wetland sites, including: the Horicon Marsh, Upper Mississippi River Floodplain Wetland, Kakagon and Bad River Slough, Door Peninsula Coastal Wetlands, Chiwaukee Illinois Beach Lake Plain, and Lower Wisconsin Riverway. The complete up to date Ramsar list is available at https://rsis.ramsar.org.

The following regional conditions are applicable to a specific NWP:

F. **NWP 52. Water-Based Renewable Energy Generation Pilot Projects:** NWP 52 does not authorize structures or work in Lake Michigan and Lake Superior within the geographic regulatory boundaries of the St. Paul District.

G. **NWP 3, 33, and 41. Aquatic Resource Impacts:** A project proponent must notify the District by submitting a PCN if a regulated activity, including but not limited to, filling, flooding, excavating, or drainage of waters of the U.S., involves:

(1) A permanent loss of greater than 1/10 acre of waters of the U.S. for NWP 3 and 41; or
(2) over 1/2 acre of temporary impacts to waters of the U.S. for NWP 3, 33, and 41.

H. **NWP 27. Aquatic Habitat Restoration, Establishment and Enhancement Activities:** NWP 27 does not authorize the permanent conversion of forested, bog, fen, sedge meadow, or shrub-carr wetlands to other plant communities. A project proponent may request, in writing, a waiver from this condition from the District. The waiver will only be issued if it can be demonstrated that the conversion would restore wetland plant communities to the pre-settlement condition or a watershed approach and that the current landscape and hydrologic conditions would sustain the targeted community.

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[1] Information about Wisconsin plant community types for 1-6 above may be obtained from: http://dnr.wi.gov/topic/EndangeredResources/Communities.asp?mode=group&Type=Wetland

[2] Information regarding wild rice waters and their extent may be obtained from: https://www.dnr.state.mn.us/wildlife/shallowlakes/wildrice.html and https://gisdata.mn.gov/dataset/biota-wild-rice-lakes-dnr-wld in Minnesota, https://dnr.wisconsin.gov/topic/wildlifehabitat/rice.html in Wisconsin, and an interactive map is provided at: http://maps.glifwc.org/ (under Treaty Resources – Gathering).

[3] Additional information on bog and fen communities can be found at: http://www.mvp.usace.army.mil/missions/regulatory.aspx and in Minnesota at http://www.dnr.state.mn.us/npc/classification.html.

[4] Coastal plain marshes, interdunal wetlands, and Great Lakes ridge and swale complexes are specific to Wisconsin

2021 Nationwide Permit General Conditions

1. Navigation.

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she

makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either

some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary,

to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States

for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification.

(a) *Timing*. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to

cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4)

(i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the

proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

MINNESOTA POLLUTION CONTROL AGENCY

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December 21, 2020

Chad Konickson
U.S. Army Corps of Engineers
Regulatory Branch Chief, St. Paul District
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

RE: Nationwide Permits – Clean Water Act Section 401 Water Quality Certification

Dear Chad Konickson:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), Minn. Stat. chs. 115 and 116 and Minn. R. chs. 7001.1400-7001.1470, 7050, 7052, and 7053. The MPCA examined the information furnished by the U.S. Army Corps of Engineers (USACE), including the proposed Nationwide Permits (NWPs) issued by USACE Headquarters on September 15, 2020, and regional conditions proposed by USACE St. Paul District September 18, 2020, and proposes requiring conditions through the 401 Water Quality Certification (401 Certification or Certification).

Exclusion from 401 Certification of NWPs

1. **Physical Alterations of 300 or More Linear Feet of a Stream or River**
   The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a physical alteration of 300 or more linear feet of a stream or river that are not covered under NWP 13, Bank Stabilization or projects that will result in a functional lift of waters impacted by the projects activities. Minn. R. ch. 7050.0255 subp. 30, defines "physical alteration" as "a physical change that degrades surface waters such as the dredging, filling, draining, or permanent inundation of a surface water." *The MPCA Authority: Minn. R. ch. 7050.0255. Physical alterations to smaller streams can potentially have significant impact on overall water quality. The MPCA must individually review these projects for compliance with Water Quality Standards (WQS).*

2. **Exceptional Aquatic Life Use Waters** (Attachment 1)
   The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a physical alteration of Exceptional Aquatic Life Use Waters. Exceptional Aquatic Life Use Waters are very susceptible to disturbance. An increase in water temperature or sedimentation can effectively destroy this unique water habitat. Projects that will potentially impact Exceptional Aquatic Life Use Waters directly or indirectly by impacting stream hydrology, connectivity, chemistry and habitat are required to

obtain an individual Certification. *The MPCA Authority: Minn. R. ch. 7050.0222 subps. 2c, 3c and 4c.*

Because Exceptional Aquatic Life Use Waters are very susceptible to disturbance, the MPCA must individually review projects for compliance with WQS for the following water bodies:

More information on the water bodies is located at the 401 webpage: https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications.

	Water Body Name	Miles	Reach
1	Cross River	14.84	Fourmile Cr. To Lk Superior
2	Greenwood River	7.29	Greenwood Lk to Brule R
3	Irish Creek	7.07	Headwaters to Swamp River Reservoir
4	Kimball Creek	8.98	Headwaters to Lk Superior
5	Manitou River	11.07	S Br Manitou R to Lk Superior
6	Mistletoe Creek	4.56	Halls Pond to Poplar R
7	Two Island River	11.44	Unnamed Cr to Lk Superior
8	Little Devil Track River	2.71	Unnamed Cr to Devil Track R
9	Heartbreak Creek	3.79	Unnamed Cr to Temperance R
10	Houghtaling Creek	1.7	Unnamed Cr to Unnamed Cr
11	Caribou River	5.51	Amenda Cr to Unnamed Cr
12	Caribou River	1.18	Unnamed Cr to Unnamed Cr
13	Crown Creek	1.68	Fry Cr to Unnamed Cr
14	Cascade River	14.46	N Br Cascade R to Lk Superior
15	Spruce Creek (Deer Yard Creek)	3.21	Unnamed Cr (Ward Lk outlet) to Lk Superior
16	Bluff Creek	2.68	East Twin Lk (16-0145-00) to South Brule R
17	Elbow Creek	0.81	Unnamed Cr to Devil Track R
18	Wanless Creek	2.73	Headwaters (Dam Five Lk 38-0053-00) to Houghtaling Cr
19	Lullaby Creek	1.82	Headwaters (Lullaby Lk 16-0100-00) to Brule R
20	Manitou River, South Branch	5.42	Junction Cr to Manitou R
21	Sixmile Creek	3.32	Unnamed Cr to Temperance R
22	Swamp River	1.91	Stevens Lk to T63 R4E S20, east line
23	Brule River	12.58	BWCA boundary to South Brule R
24	Baptism River, West Branch	2.68	-91.3381 47.4702 to Crown Cr
25	Kadunce River (Kadunce Creek)	2.69	-90.1484 47.8261 to Lk Superior
26	Portage Brook	5.85	CSAH 16 to Pigeon R
27	Temperance River	15.05	T61 R4W S4, north line to Sixmile Cr
28	Baptism River, East Branch	3.28	Lk Twenty-three to Blesner Cr
29	Woods Creek	1.84	-90.2650 47.7964 to Devil Track R
30	Devil Track River	6.66	Devil Track Lk to Unnamed cr

31	Humphrey Creek	3.67	Headwaters to Boulder Cr
32	Coyote Creek	1	Unnamed Cr to Pequaywan Lk
33	Cloquet River	13.95	Headwaters (Katherine Lk 38-0538-00) to T57 R10 S32, south line
34	Cloquet River	26.44	T56 R10 S5, north line to W Br Cloquet River
35	Cloquet River	28.82	W Br Cloquet R to Island Lake Reservoir
36	Schoolcraft River	7.78	Frontenac Cr to Plantagenet Lk
37	Prairie River, West Fork	2.31	Hartley Lk to Prairie R
38	Willow River Ditch	3.3	Willow River Flowage to Moose R
39	Tamarack River	7.52	Little Tamarack R to Prairie R
40	Prairie River	11.31	Day Bk to Balsam Cr
41	Bee Creek (Waterloo Creek)	3.45	T101 R6W S29, north line to MN/IA border
42	Tulaby Creek	5.08	Tulaby Lk to McCraney Lk
43	Little Isabella River	11.02	Headwaters to Flat Horn Lk
44	Snake River	1.71	T61 R9W S7, south line to T61 R10W S12, north line
45	Jack Pine Creek	7.24	Headwaters to Mitawan Cr
46	Mitawan Creek	8.18	Kitigan Lk to T61 R9W S13, north line
47	Denley Creek	3.13	Nira Cr to Stony R
48	Cross River	3.79	Ham Lake Outlet to Gunflint Lk
49	Bezhik Creek	0.9	BWCA boundary to Moose R

3. **Prohibited Outstanding Resource Value Waters** (Attachment 2)
The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that "prohibit a net increase in loading or other causes of degradation to prohibited outstanding resource values waters …." For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) to prohibited outstanding resource value waters (ORVWs). The MPCA does not find that NWP authorizations for broad categories of activities, where specific impacts may vary, is appropriate for activities in these waters. Therefore, the MPCA excludes from this general 401 Certification of the NWPs any project taking place in whole or in part in a listed prohibited ORVW in Minnesota, as identified in Minn. R. 7050.0335, subp. 3, and listed below. Such projects, though authorized by the NWPs, require individual 401 Certification from the MPCA. *The MPCA Authority: Minn. R. ch. 7050.0255 – 7050-0335. The MPCA needs to be able to individually review projects for compliance with WQS.*

Minn. R. 7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.
Subp. 3. **Prohibited outstanding resource value waters.** For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are prohibited outstanding resource value waters:

More information on the water bodies is located at the 401 webpage:
https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications.

A. Waters within the Boundary Waters Canoe Area Wilderness;

B. Those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary;

C. Waters within Voyageurs National Park;

D. The following scientific and natural areas:
   1) Boot Lake, Anoka County;
   2) Kettle River in Sections 15, 22, 23, T.41, R.20, Pine County;
   3) Pennington Bog, Beltrami County;
   4) Purvis Lake-Ober Foundation, Saint Louis County;
   5) Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County;
   6) Iron Springs Bog, Clearwater County;
   7) Wolsfeld Woods, Hennepin County;
   8) Green Water Lake, Becker County;
   9) Black Dog Preserve, Dakota County;
   10) Prairie Bush Clover, Jackson County;
   11) Black Lake Bog, Pine County;
   12) Pembina Trail Preserve, Polk County; and
   13) Falls Creek, Washington County; and

E. The following state and federal designated wild river segments:
   1) Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River; and
   2) Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

4. Restricted ORVWs (Attachment 2)

The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that "restrict net increases in loading or other causes of degradation as necessary to maintain the exceptional characteristics for which the restricted outstanding resource value waters…were designated." The MPCA does not find that NWP authorizations for broad categories of activities, where specific impacts may vary, is appropriate for activities in these waters. Therefore, the MPCA excludes from this general 401 Certification of the NWPs any project taking place in whole or in part in a listed restricted ORVW in Minnesota, as identified in Minn. R. 7050.0335, subp. 1, and listed below. Such projects, though authorized by the NWPs, require individual 401 Certification from the MPCA. *The MPCA Authority: Minn. R. ch. 7050.0255 – 7050-0335. The MPCA needs to be able to individually review projects for compliance with WQS.*

NOTE: Projects that will potentially impact calcareous fens identified as restricted ORVWs in Minn. R. 7050.0335, subp. 1, are also required to have an approved Fen Management Plan from the Minnesota Department of Natural Resources (DNR) which is sufficient to ensure maintenance of the exceptional characteristics for which the fens were designated as restricted ORVWs.

Minn. R. 7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.
Subpart 1. **Restricted outstanding resource value waters.** For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are restricted outstanding resource value waters:

More information on the water bodies is located at the 401 webpage: https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications.

A. Lake Superior, except those portions identified in subpart 3, item B, as a prohibited outstanding resource value waters.

B. Those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981.

C. Lake trout lakes, both existing and potential, as determined by the Commissioner in conjunction with the DNR, outside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park and identified in parts 7050.0460 to 7050.0470.

D. The following state and federal designated scenic or recreational river segments:
   1) Saint Croix River, entire length;
   2) Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;
   3) North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line;
   4) Kettle River from north Pine County line to the site of the former dam at Sandstone;
   5) Minnesota River from Lac qui Parle dam to Redwood County State-Aid Highway 11; Mississippi River from County State-Aid Highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; and
   6) Rum River from State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka.

401 Certification of NWPs
The MPCA proposes to certify the referenced general NWPs because there is reasonable assurance that the activities identified within them will be conducted in a manner that will not violate applicable water quality standards provided the work is done in accordance with the following conditions, which shall become conditions of the NWPs:

Conditions for All NWP Activities

1. Mitigation required by an NWP must comply with Minn. R. ch. 7050.0186. *The MPCA Authority: Minn. R. ch. 7050.0186, Minn. R. 7050.0155. This condition is needed to ensure unavoidable physical alterations are properly mitigated.*

2. The applicant must ensure that all surface waters in or bordering the construction areas that are not authorized to be impacted by the project are clearly identified prior to construction. This may be done through demarcation of the construction area on plan sheets or through marking boundaries in the field, for example construction staking, flagging, or the use of silt fences along

boundaries. The applicant must not impact any non-construction areas while conducting activities under this permit. *The MPCA Authority: Minn. R. ch. 7001.0150). This condition is needed to protect surface waters not within the project boundaries.*

3. Applicants must install in-water best management practices (BMPs) necessary to minimize total suspended solids (TSS) and sedimentation for any work conducted below the ordinary high water level (OHWL) as defined in Minn. Stat. 103G.005, subd. 14 of any surface water.

4. The applicant must document the in-water BMPs to be used during the authorized work prior to disturbing any land at the site; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to the MPCA for the purpose of the 401 Certification, but must be kept on-site during active construction by the applicant or the applicant's contractor until the project is complete. Proper installation of BMPs is required before conducting the authorized in-water activities and properly maintained throughout the duration of the project's in-water work. While conducting the authorized work, the applicant must visually monitor the BMPs to ensure that the BMPs are working as intended to reduce TSS or sedimentation. Visual inspection should occur every seven days and within 24 hours after a rainfall event greater than ½ inch in 24 hours. If the project activities cause an observable increase in TSS or sedimentation as described in Minn. R. ch. 7050.0210, subp. 2 outside or downstream of the authorized defined working area, the project activities must immediately cease and any malfunctioning BMPs must be repaired, or alternative BMPs must be implemented. This Certification does not authorize the violation of applicable water quality standards outside or downstream of the defined work area. *The MPCA Authority: Minnesota water quality standards are defined in Minn. R. ch. 7050 and 7052. BMPs need to be installed function properly in order to ensure compliance with state water quality standards.*

   Information on BMPs that may be suitable for in-water work is located in the Minnesota DNR Manual titled *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001*, located at:
   https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

   The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforcement this condition independent of the general permit. The point of contact at the MPCA for questions regarding this condition is: 401Certification.pca@state.mn.us.

5. The applicant must ensure that any dewatering activities do not create nuisance conditions as defined in Minn. R. ch. 7050.0210, supb. 2. BMPs must be used that minimize TSS and sedimentation by removing solids in the water before discharging the water. If discharging to an upland area, the discharge must be directed to an onsite sediment basin prior to discharging and the discharge shall not cause erosion, and must not cause inundation, or sedimentation to the receiving water. The applicant must document the in-water BMPs prior to beginning any dewatering, this includes the point of withdrawal and the point of discharge; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to

the MPCA for the purpose of the 401 Certification. The applicant must ensure that properly installed BMPs are in place before conducting the authorized activities and maintained throughout the duration of the dewatering work. *The MPCA Authority: Minn. R. ch. 7050.0210, subp. 2 and 7050.0150. BMPs need to be installed function properly in order to ensure compliance with state water quality standards.*

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforcement this condition independent of the general permit. The point of contact at the MPCA for questions regarding this condition is: 401Certification.pca@state.mn.us.

6. The applicant must ensure any earthen material used to construct or improve temporary or permanent dikes or dams, including cofferdams, or any roads, is contained and stabilized in a manner that will prevent any of the earthen material from eroding. The applicant must completely remove temporary structures and restore original bathymetry, or contours at project completion. *The MPCA Authority: Minn. R. ch. 7050.0270 and 7050.0150. BMPs need to be installed function properly in order to ensure compliance with state water quality standards.*

7. It is the applicant's responsibility to ensure that the authorized activities do not exacerbate any existing impairments of a CWA 303-(d) listed impaired waters. The following MPCA webpages contain more information and search tools available to determine which waters in Minnesota are impaired: http://www.pca.state.mn.us/lupg1125 and http://www.pca.state.mn.us/mvri1126. *The MPCA Authority: Applicable water quality standards are located in Minn. R. ch. 7050. This condition is needed to ensure compliance with state water quality standards.*

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforcement this condition independent of the general permit. The point of contact at the MPCA for questions regarding this condition is: 401Certification.pca@state.mn.us.

8. Projects permitted under any NWP must implement planning and prewashing of equipment, prior to entering the site, to minimize the spread of invasive or noxious species. Fill used in any surface water must be clean fill that is free of any solid waste, toxic or hazardous contaminants, and invasive species as defined in Minn. Stat. ch. 84D and Minn. R. ch. 6216, and noxious weeds as defined in Minn. Stats. 18.75-18.91. *The MPCA Authority: Minn. R. ch. 7050.0270 and 7050.0150. This condition is needed to ensure compliance with state water quality standards.*

9. The applicant must provide: a) a copy of this Certification; b) documentation of any required BMPs under condition 3 above; and c) any written demarcation of waters of the United States under condition 2; to any prime contractor responsible for completing the project's authorized activities. The applicant must also ensure that there is a mechanism in place requiring each prime contractor to provide the same information to all subcontractors, at any level, responsible for fabricating or providing any material for the project or performing work at the project site. In addition, copies of these documents and any other relevant regulatory authorizations related to impacts of surface waters, must be available at or near the project site for use by contractors or staff responsible for completing the project work and must be available within 72 hours when

requested by the MPCA staff. *The MPCA Authority: Minn. R. ch. 7050.0270 and 7050.0150. This condition is needed to ensure that all contractor activities meet State water quality standards.*

10. The applicant is responsible for compliance with all applicable conditions of this Certification. *The MPCA Authority: Minn. R. chs. 7050.0270 and 7050.0150. This condition is needed to ensure that all contractor activities meet State water quality standards.*

11. This Certification includes and incorporates by reference the general conditions of Minn. R. 7001.0150, subp.3. *The MPCA Authority: Minn. R. ch. 7001.0150. This condition is need to ensure the applicant follows state permitting requirements.*

Conditions Specific to Individual NWP Activities
In addition to all other applicable Certification conditions, the following activities must also comply with the activity-specific conditions below. *The MPCA Authority: Minn. R. ch. 7050.0270.*

- **NWP 7, Outfall Structures and Associated Intake Structures**
  The applicant must ensure that impacts associated with outfall and intake structures do not harm aquatic life outside of the permitted project area and do not result in an unauthorized loss of surface waters. *The MPCA Authority: Minn. R. ch. 7001.0150). This condition is needed to protect surface waters not within the project boundaries.*

- **NWP 16, Return Water from Upland Contained Disposal Areas**
  The applicant must ensure that return water from Upland Contained Disposal Areas, that is returned to the original source water, meet the same water quality standards that apply to the original source water. If the return water is discharged into a receiving water that is not the original source water, then the applicant must ensure that the discharge water will meet the more stringent water quality standard of the receiving water and the original source water. *The MPCA Authority: Discharges of return water must not violate the state water quality standard identified in Minn. R. 7050.0210, subp.2. This condition is needed to protect surface water from excess sediment in the form of TSS and any contaminants contained in the TSS.*

- **NWP 19 Minor Dredging**
  Projects exceeding 50 CY of impacts are not certified and require an individual review and 401 Certification. *The MPCA Authority: Minn. R. ch. 7050.0305, and 7050.0270. This condition is needed to protect the beneficial and existing uses of surface waters.*

- **NWP 27 Wetland and Riparian Restoration and Creation Activities**
  For restoration and creation activities, the applicant must meet the following conditions:
  - Manage sediment to minimize downstream effects.
  - Use low-flow and winter construction when appropriate.
  - Provide mitigation for any conversion of surface waters to uplands.

  The MPCA Authority: Minn. R. ch. 7050.0305, and 7050.0270. This condition is needed to protect the beneficial and existing uses of surface waters.

- **NWP 53 Removal of Low-Head Dams**
  Projects involving the removal of low-head dams must meet the following conditions:

- Manage sediment to minimize downstream effects.
- Use low-flow and winter construction when appropriate.

The MPCA Authority: Minn. R. ch. 7050.0305, and 7050.0270. This condition is needed to protect the beneficial and existing uses of surface waters.

NOTIFICATIONS: The following notifications are not conditions of the MPCA CWA 401 Certification of NWPs. They provide practices that can help reduce the potential environmental impacts or they provide notification to the public in Minnesota, that certain discharges in Waters of the State, as defined in Minn. Stat.§ 115.01, subd. 22, or activities associated with discharges into Waters of the State, are also regulated under rules administered by the MPCA:

1. It is the applicant's responsibility to fully comply with all MPCA rules governing waters of the state, including MPCA rules governing wetlands (Minn. R. 7050.0186) which require an applicant to provide compensatory mitigation for the project's unavoidable physical alterations to wetlands, including those not subject to federal jurisdiction under section 404 of the CWA.

2. Minnesota water quality standards found in Minn. R. ch. 7050, apply in all water of the state, defined in Minn. Stats. 115.01 subd. 22, "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

3. Applicants should review Total Maximum Daily Load (TMDL) / Watershed Restoration and Protection Strategy (WRAPS) projects to determine if they are applicable to their project. A list of WRAPS/TMDL projects is available at: https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects.

4. Any projects in Cold Water Habitat waters, not excluded in Exceptional Aquatic Life Use Waters above and identified as class 2A, 2Ae, or 2Ag in part Minn. R. ch. 7050.0470, are required by the Code of Federal Regulations, title 40, section 131.10, to reflect an existing beneficial use or a feasibly attainable beneficial use, that permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats. Existing beneficial use for cold water habitats means a beneficial use that was attained in a water body on or after November 28, 1975. Any project that impacts a Cold Water Habitat water must ensure that the Beneficial and Existing Uses are maintained.

5. Minn. R. chs. 7001 and 7090 requires any activity that will disturb one acre or more of land must first acquire a National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System (SDS) General Stormwater Permit from the MPCA for discharging stormwater during construction activity. Both the owners and operators of construction activity disturbing one acre or more of land are responsible for obtaining and complying with the conditions of the NPDES/SDS General Stormwater Permit prior to commencing construction activities. Sites disturbing less than one acre within a larger common plan of development or sale that is more

   than one acre also need permit coverage. A detailed Stormwater Pollution Prevention Plan (SWPPP), containing both temporary and permanent erosion and sediment control plans, must

be prepared prior to submitting an application for the NPDES/SDS General Stormwater Permit. In addition, any project that will result in over 50 acres of disturbed area and has a discharge point within one mile of a special or impaired water is required to submit their SWPPP to the MPCA for a review at least 30 days prior to the commencement of land disturbing activities. If the SWPPP is out of compliance with the terms and conditions of the NPDES/SDS General Stormwater Permit, further delay may occur. For more information, please visit the following webpage: https://www.pca.state.mn.us/water/construction-stormwater.

6. Minn. R. ch. 7001.0030 requires that, prior to testing the structural integrity of any newly installed pipeline or any existing pipeline maintained or repaired that is authorized by NWPs, the applicant must obtain NPDES/SDS Permit coverage from the MPCA. The NPDES/SDS Permit regulates the discharge of water and trench waters associated with this activity.

7. Chloride from winter road salt affects water quality. The MPCA encourages public road authorities pursuing projects under the general permit to consider the use of BMPs to reduce the use of chloride. General information about chloride and water quality, including the Twin Cities Metropolitan Area Chloride Management Plan, is located at: https://www.pca.state.mn.us/water/salt-applicators.

8. When riprap is used, the applicant should consider placing riprap in the following manner:
   a. Use natural rock (average between 6 inches and 30 inches in diameter) that is free of debris that may cause pollution or siltation.
   b. A filter of crushed rock, gravel, or filter fabric material can be placed underneath the rock.
   c. The riprap should be no more than 6 feet waterward of the OHWL as defined in Minn. Stat.§ ch. 103G.005, subd.14.
   d. The riprap should conform to the natural alignment of shore and should not obstruct navigation or the flow of water.
   e. The minimum finished slope waterward of the OHWL should be no steeper than 3 to 1 (horizontal to vertical).

9. Section 401 Certification does not release the applicant from obtaining all necessary federal, state, and local permits. It does not limit any other permit where requirements may be more restrictive. It does not eliminate, waive, or vary the applicant's obligation to comply with all other laws and state water statutes and rules through the construction, installation, and operation of the project. This Certification does not release the applicant from any liability, penalty, or duty imposed by Minnesota or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

10. This Certification does not replace or satisfy environmental review requirements, including those under the Minnesota Environmental Policy Act (MEPA). In accordance with MEPA, Minn. Stat.§ 116D.04, subd. 2b, and related rules, projects that are required to complete an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS), may not be started, and final governmental decisions to grant a permit, approve a project, or begin a project may not be made, until:
    - A petition for an EAW is dismissed.
    - A negative declaration on the need for an EIS has been made.
    - An EIS has been determined to be adequate.

- A variance has been granted by the state Environmental Quality Board.

11. The MPCA reserves the right to modify this Certification or revoke this Certification as provided in Minn. R. 7001.0170.

12. Pursuant to Minn. R. 7001.1450, failure to comply with any of the conditions in this Certification may result in the MPCA invalidating or revoking this 401 Water Quality Certification on a project-by-project basis.

If you have any questions on this Certification, please contact Jim Brist at jim.brist@state.mn.us or 401Certification.pca@state.mn.us.

Sincerely,



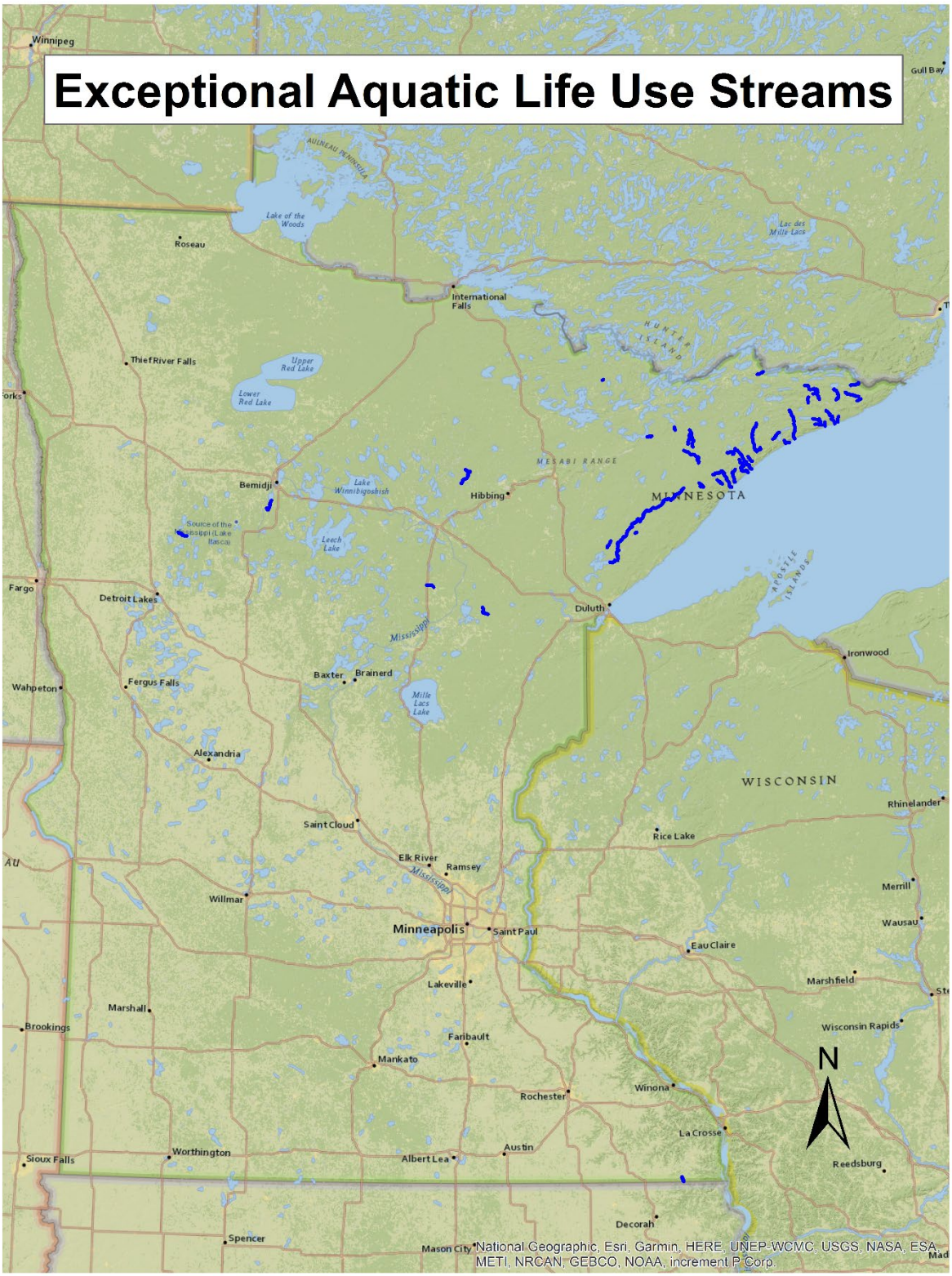
Anna Hotz
Supervisor
Agency Rules Unit
Resource Management and Assistance Division

AH/JB:ds

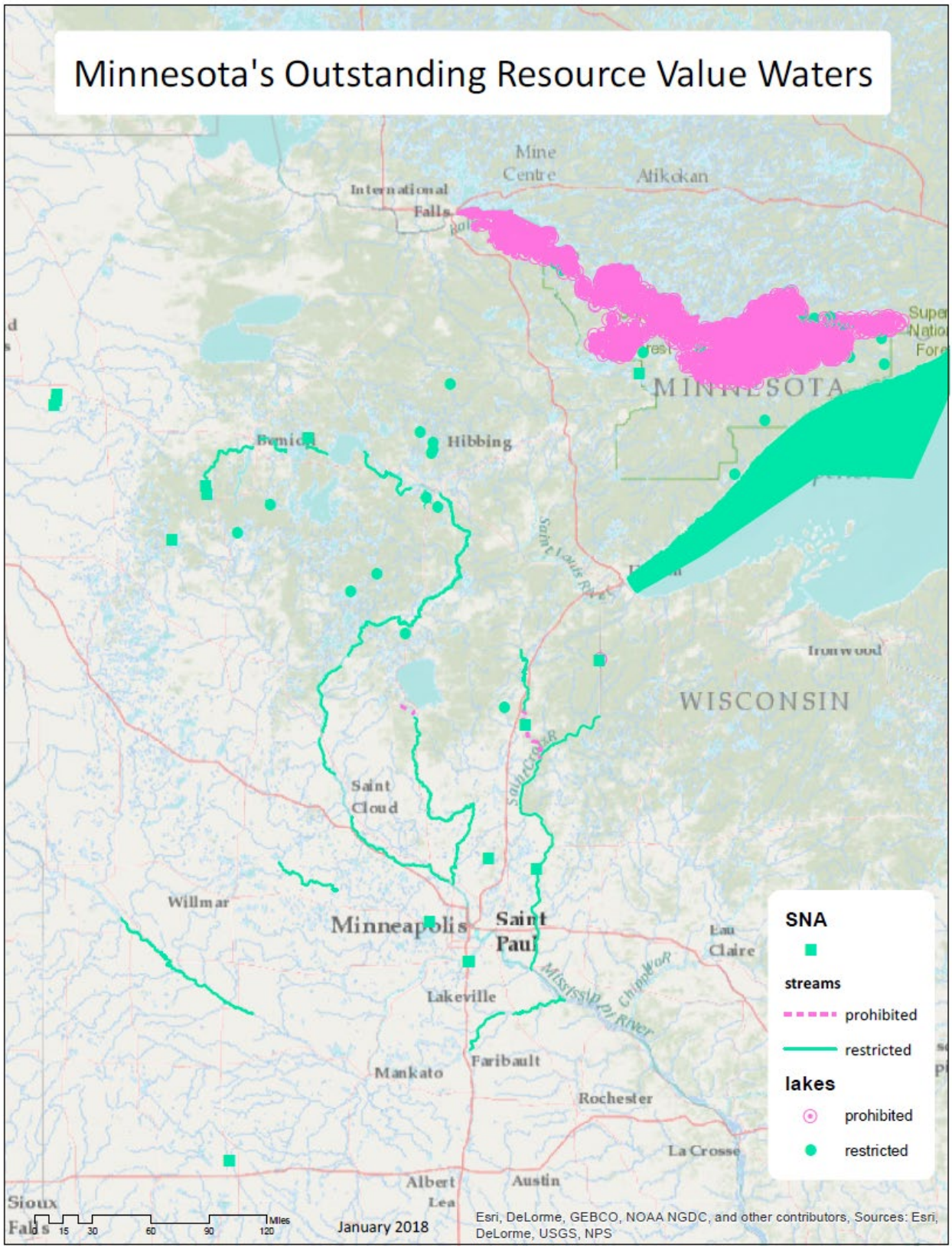
Attachments

cc: Melissa Blankenship, EPA
Dave Pfeifer, EPA
Dana Rzeznik, EPA
Dawn Marsh, USFWS
Sarah Quamme, USFWS
Tom Hovey, DNR
Steve Colvin, DNR
Kerryann Weaver, EPA
Todd Vesperman, USACE
Meghan Brown, USACE

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Exceptional Aquatic Life Use Streams
Winnipeg
Gull Bay
Roseau
International Falls
Thief River Falls
Bemidji
Hibbing
MINNESOTA
Fargo
Detroit Lakes
Duluth
Ironwood
Wahpeton
Fergus Falls
Baxter
Brainerd
Alexandria
WISCONSIN
Rhinelander
Saint Cloud
Rice Lake
Elk River
Ramsey
Willmar
Merrill
Minneapolis
Saint Paul
Wausau
Eau Claire
Lakeville
Marshfield
Marshall
Brookings
Wisconsin Rapids
Faribault
Mankato
N
Winona
Rochester
La Crosse
Sioux Falls
Worthington
Albert Lea
Austin
Reedsburg
Decorah
Spencer
Mason City
National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp

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Minnesota's Outstanding Resource Value Waters
Mine Centre
Atikokan
International Falls
MINNESOTA
Bemidji
Hibbing
Saint Louis River
Ironwood
WISCONSIN
Saint Cloud
Willmar
Minneapolis
Saint Paul
Eau Claire
Lakeville
Mississippi River
Chippewa R
Faribault
Mankato
Rochester
La Crosse
Albert Lea
Austin
Sioux Falls
SNA
streams
prohibited
restricted
lakes
prohibited
restricted
15 30 60 90 120 Miles
January 2018
Esri, DeLorme, GEBCO, NOAA NGDC, and other contributors, Sources: Esri, DeLorme, USGS, NPS

US Army Corps of Engineers ®
St. Paul District

COMPLIANCE CERTIFICATION

Regulatory File Number: MVP-2021-01218-SSC

Name of Permittee: Spencer McMillan

County/State: Dakota County, Minnesota

Date of Issuance: 6/18/2025

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the Corps contact identified in your verification letter within 30 days.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

By signing below, the permittee is certifying that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee **Date**

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

Local Government Unit: Mendota Heights	**County:** Dakota
Landowner/Applicant: Spencer McMillan	**Agent/Representative(s):** Lucius Jonett, Midwest Wetlands
Project Name: McMillan Estates	**Project No. (if any):** 2025-01
Project Location: PIDS: 270240078010, 273110000010, 273110000020	

Purpose of TEP Findings/Recommendation - check all that apply and describe

☐ Pre-application review ☒ Application Review (related to WCA Decision)
☐ Local Government Road Wetland Replacement Program Eligibility ☐ WCA Determination Request
☐ Other (specify):
Describe:

Meeting Type – check all that apply and specify dates as applicable

☐ In-Person Meeting(s), Date(s): ☒ Electronic Exchanges (email, skype, etc.)
☐ Onsite Review(s), Date(s): ☐ Other (specify):

Findings and Recommendations

The applicant submitted an exemption application received and noticed 4/21/25 proposing impacts to three basins proposed for road construction off of Ridgewood Drive to provide access to future residential development. Impacts are outside of the shoreland management zone in a <50% area. As a result, the applicant has applied for an exemption under current de minimus standards. The applicant also revised the application which was received by the LGU and forwarded to the TEP 5/28/25 to include impacts to the channel/stream within lot 6 referred to locally as Marie Creek, a tributary to Interstate Valley Creek. The proposed impacts result in 360 sq feet of fill to install a culvert. This impact does not impact wetlands within the project area, as it impacts a tributary stream under the jurisdiction of the Army Corp of Engineers.
The TEP met on 5/28/25. Discussed options for the application process moving forward, which include denial of the current application, withdrawal and re-submittal by the applicant, or continuing with the current application. BWSR staff commented that the current application includes the previous replacement application submitted by another applicant (work not completed), which may pose a conflict in the WCA process, and recommended removing it from the current application.
Comments submitted by the public were discussed, including:
- References to cumulative impacts: BWSR staff confirmed that cumulative de minimus impacts under current rules are project specific. The exemption conditions related to the landowner's portion of the wetland and the cumulative area impacted since 1992 were eliminated from the Wetland Conservation Act in 2024.
- Failure of applicant to provide documentation on avoidance and minimization: Exemption applications do not require applicants to meet sequencing requirements.
- Classification values of wetlands affected in the application: The city does not have a classification system for its wetlands.
- Increased flooding/water levels as a result of impacts: BWSR staff referenced MN Rule 8420.0410 subp. C., a condition of approval for exemption applications being that they comply with all local requirements, including stormwater management. An exemption does not allow for negative impacts to surrounding property.

☐ Attachment(s) (specify):

DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone? ☐ Yes ☒ No If yes, DNR representative is a member of the TEP.

Signatures

☒ LGU TEP Member: Krista Spreiter Agree with Findings & Recommendations: ☒ Yes ☐ No

Signature: Date: 6/10/25

☒ SWCD TEP Member: David Holmen Agree with Findings & Recommendations: ☒ Yes ☐ No

Signature: Date:

☒ BWSR TEP Member: Jed Chesnut Agree with Findings & Recommendations: ☒ Yes ☐ No

Signature: Date: 6/10/25

☐ USACOE TEP Representative: Samantha Coungeris Agree with Findings & Recommendations: ☐ Yes ☐ No

Signature: Date:

June 23, 2025

Mendota Heights Planning Commission

1101 Victoria Curve

Mendota Heights, MN 55118

Via email: lfield@mendotaheightsmn.gov, jstone@mendotaheightsmn.gov, pcorbett@mendotaheightsmn.gov, cjohnson2@mendotaheightsmn.gov, jnath@mendotaheightsmn.gov, budell@mendotaheightsmn.gov, sgoldade@mendotaheightsmn.gov, smadden@mendotaheights.com

Re: McMillan Estates

To the Members of the Commission,

We are writing to you regarding the Macmillan Estates proposal. I appeared before the Planning Commission last month generally in support of the McMillan's plans to subdivide their property which is immediately south of and adjacent to our home at 1695 Delaware Avenue. Our property is 10.05 acres and identical in size and shape to the existing McMillan residence at 1707 Delaware.

At last month's meeting I noted that the current plan is now substantially different than those previously submitted for McMillan Estates and the predecessor Sullivan Acres and that this was the first opportunity for me to address the new plan which has increased to 6 homesites (1 existing, 5 new). At the close of the meeting, it was my understanding that the McMillan proposal was tabled to address two areas for the Commission: 1) environmental, drainage and tree concerns raised by others, and 2) to address the concerns I raised regarding the "landlocking" of the neighbors to the North including us, and to further explain how this plan with its limited access to the North meets the 2040 Comprehensive Plan. I do not see in the current materials how the concerns in (2) above were further developed for the Commission.

In every meeting for previous development proposals before this Commission, We have repeatedly requested that this Commission adopt a comprehensive approach to the long-range plan for development in Mendota Heights and Dakota County, specifically with regard to all properties north of Ridgewood for their future development potential and the benefits to the City of Mendota Heights as the McMillan proposal states regarding that proposal. The McMillan proposal as stated unreasonably and permanently cuts off all access for properties north of the proposed development with the extension of the cul-de-sac "nub" as referred to by the City stopping short of providing access to our property to the north. Said differently, the nub does not extend to our property line.

It should be noted that both the McMillans and the City of Mendota Heights currently enjoy the opportunity for McMillan estates today because the "nub" of Ridgewood was extended to provide access to what is now the McMillan property, and by all arguments the potential and vision for future development. The McMillan proposal has no additional cost or land acquisition required of the property

owners on Ridgewood and in fact allows for restoration of the “nub” and a give back of the circular portion of the property outside of the 60’ road requirements to the adjacent owners. The same planning and foresight should be employed by this Commission to the McMillan proposal to ensure and preserve future potential development opportunities for the benefit of the City as well as the adjacent landowners to the north.

Addressing this access now is critical for both the City and the landowners to the north, to preserve full development opportunities in accordance with the long-range plan. The plat should permit the logical extension of future streets.

The 2040 Plan identifies 22 Focus Areas for future development. Area 21, the Somerset Area encompasses the McMillan property as well as the adjacent properties to the north including ours. “Due to the existing large lot configuration, the area has the potential to be further subdivided, provided public sewer, water and road systems would be extended to the area”.

Future development north of the McMillan property is entirely consistent with the 2040 plan and should be considered in this proposal, with appropriate utility and roadway access, just as Ridgewood provided utilities and access to the McMillan property when Ridgewood was developed. Similarly, each adjacent landowner to the north, including us, should similarly be required to extend the “nub” the full length of their respective properties to abut any adjacent property, to ensure future development opportunities to benefit the City in accordance with the 2040 Plan. One example for future development could be accomplished with future “emergency only access” through a fire gate to Foxwood Lane that would enhance the safety and emergency access for all on Ridgewood, Future Ridgewood extensions and Foxwood Lane, than would be available under the current McMillan plan, thus further serving the public interest.

Additionally, Subdivision Ordinance (Title 11) provisions strongly support preserving future connectivity and road access. The McMillan property at 1707 Delaware is part of the larger “low-density “superblock”. Subdividing only the 1707 Delaware parcel without showing how streets could extend into the 1695 adjacent parcel would seem to conflict with the City Code and the 2040 Plan.

Thank you in advance for your consideration. In the event I can not attend as I am currently out of state for a longstanding obligation, I am respectfully requesting that the body of this letter above, be read aloud at the meeting and entered into the record. Alternatively, if there is a possibility to participate remotely, I would be more than welcome the chance to join electronically.

Lastly I am attaching for reference, a rough transcript of my notes from my prior testimony from the May meeting for incorporation into this record and submission.

In conclusion, I am in support of the proposed plat as long as it provides continuity of access and utilities to properties to the north by extending the right of way and street improvements to the north property line of the project.

Respectfully submitted,

Jim and Michele Kolar

Cc: William Grifith, Larkin Hoffman

Good evening.

My name is Jim Kolar and along with my wife Michele we have resided at 1695 Delaware since 2007 on 10 acres immediately adjacent to the Macmillan's property. We are only the second owners of this property.

I have appeared before this committee many times before with the Bader;s development plans, Sullivan Acres a few years ago (the same property as McMillan's) and now for the second time McMillan Estates with this version being substantially different than the prior proposal. This expansion of lots now to 6, is a more densified development.

I have consistently supported all proposals of my adjacent property owners with the repeated ask that my interests not be adversely harmed nor landlocked either intentionally or unintentionally. In addition, I have repeatedly asked that the Planning Commission AND the City Council take a comprehensive approach to the planning of the "superblock" which largely no longer exists. I will be the sole remaining original 10-acre lot owner if this proposal is granted.

I am generally supportive of this proposal however, while I appreciate that McMillan's have extended the utility easement for both water and sewer at the prior request of this committee, anything short of extending the cul-de-sac with a similar 60' "nub" as referred to in the Planning Commission documents to abut my property will cause undue harm. This will limit future opportunities for our property and the city. This is exactly how Ridgewood was plotted and although there are no clear records to my knowledge it is clear that the cul-de-sac "nub" abutted what is now the McMillan property, providing for this future development opportunity. The developer in that case appeared to be required to fully extend Ridgewood to create the 'nub" and remove future ambiguity or access.

Had the developers of Ridgewood merely provided an easement – some 20 years ago without fully extending the cul-de-sac, there would likely be many more challenges to the McMillan's current access including property improvements, vegetation and tree growth etc. The establishment of the "nub" was essential to providing the access the McMillan's enjoy today.

My request is now also the result of having smaller than 5 acre lots proposed on McMillan estates and I am asking again for the long-term vision of this Commission to allow similar future development to the North. The back acreage of my property could accommodate 4 to 5 additional similar sized lots and further provide opportunity for the Bader property. If such extension is provided for, I would also provide the same “nub” access consideration to the north upon further development of my property to the Baders line no longer than the width of my property, from its starting point., when and should that be desired. In addition, because we and the Bader’s own all adjacent property, I am not aware of any adverse owners to such future development.

I would similarly agree to provide the same “nub” access to the North if / when a future development was undertaken.

Form an equity standpoint, each property owner would bear the cost of the roadway over the entirety of their own property subject to development. I would be similarly bound to extend the entire width and ultimately Bader the same. Stopping short puts and undue burden on the end property to the North as I would seek to similarly stop any roadway short of the Bader property of a similar distance as the McMillans to mine. Further a “future roadway easement” provides for less clarity than the current Ridgewood access, and potential future ambiguity and challenge possibly and unintentionally limiting the same opportunity the McMillans are asking for.

Public policy supports the completion and extension of streets. Barring any technical requirements, tonight’s action should not unreasonably land lock me nor reduce my ability to utilize my property in a similar and compatible fashion as the McMillans are requesting. The same benefit rationale to the City as provided by the McMillans (greater tax revenue, infrastructure, etc) would apply to a more comprehensive development plan.

Further – there are simple fixes that would address the Cul-de-sac issue for emergency vehicle limitation if future development occurs. That could be accomplished through the establishment of a future fire / emergency gate only access straight through to Foxwood, whereby through traffic would be prohibited but emergency vehicle access would be readily available. Fire gate access would improve safety for residents of Ridgewood, Foxwood and Emergency responders, over that which is currently proposed, and in the long-term plan, better serving the public interest. That is likely for a

future discussion but should be reasonably accommodated in a Comprehensive plan by the city.

A comprehensive view and approach now will prevent the effective landlocking of properties to the North, particularly our property at 1695 Delaware.

Thank you for your consideration and I am happy to answer any questions. Please accept my apologies for not having this in your packet, however I was only made aware of this full proposal on Sunday

1101 Victoria Curve | Mendota Heights, MN 55118
651.452.1850 phone | 651.452.8940 fax
www.mendota-heights.com

CITY OF MENDOTA HEIGHTS

APPENDIX A:
LIVING STREETS WORKSHEET

The Living Streets Worksheet is envisioned to be used as a guide when reviewing any proposed transportation projects. All transportation projects including public and private development with construction impacting the public way shall promote the goals of a Living Street design during all phases of planning, design, and construction. The goals of a Living Street design include enabling safe, convenient, and comfortable travel and access for users of all ages and abilities, regardless of their mode of transportation, with an additional emphasis on quality of life aspects. The purpose of this worksheet is to verify any proposed transportation project meets the goals promoted by the Living Streets Policy and guide implementation of the policy.

All proposed projects shall be designed in accordance with the most recent local, county, state, and federal standards and guidelines. Supporting reference material should be used when completing the worksheet including, but not limited to, any local, county, state, or federal Comprehensive, Transportation, and/or Master Plans.

The Living Streets Worksheet is available in an electronic format as requested.

PROJECT INFORMATION

Project Name	McMillan Estates
Project Location (Roadway Name, Start, & End Point; Include Map Attachment)	Ridgewood Drive cul-de-sac and 1707 Delaware Avenue
Roadway Classification	Local
Roadway Jurisdiction	Mendota Heights
Project Manager	Spencer McMillan

SITE AND COMMUNITY CONTEXT

1) Describe the existing site conditions or area of study. Include information regarding general land use, traits of the community such as new development or historic corridor, adjacent planned development, as well as existing sociodemographic and health status information.

This is a local road that ends in a cul-de-sac. The current road is roughly 650 long. We are extending the road 570 ft so the total road length becomes roughly 1,220 ft. The lots on the current road are R1 residential. The extension of the road will penetrate land that is zoned RE, residential estate. The extension of the road will allow for 5 new buildable lots, zoned RE, ranging from 1.22-3.7 acres. On the current road, there is a mix of younger families with young children and older couples with no children living at home. I do not have information on health status of the individuals that live on the current street.

2) What are the existing on-street and off-street multimodal accommodations within the project corridor? Include all modes within the project vicinity (i.e. trails, sidewalks, transit routes, bicycle lanes, etc.) or how far the nearest facility is.

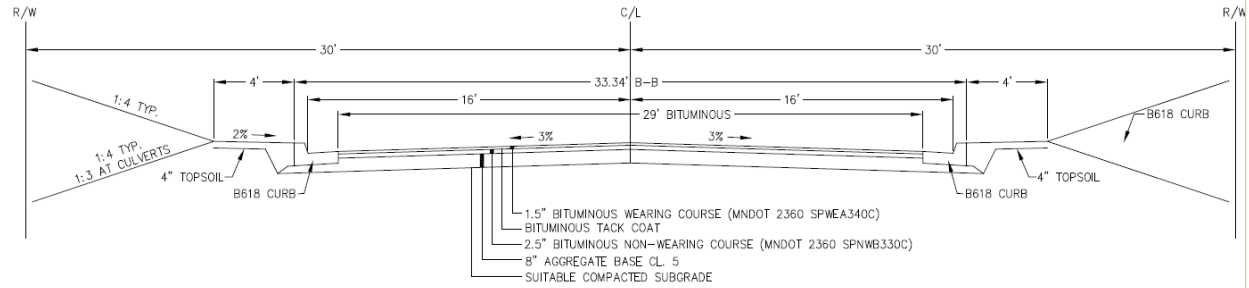
There are no sidewalks or trails on the current street. There is a school to the south of the current street entrance with a sidewalk and walking paths. See the snapshot below that points out walking paths and sidewalks.



3) Describe the proposed on-street and off-street multimodal accommodations. Identify any proposed connections to adjacent facilities.

We do not have any multimodal accommodations planned since it is a local road that ends in a cul-de-sac. Residents can exit Ridgewood Dr and walk across Marie Avenue to quickly access sidewalks and walking paths. There is currently no bike paths or sidewalks on the current Ridgewood Dr.

4) Attach, or sketch, both the existing and proposed cross section for the project corridor. Include multiple sections if site conditions vary and identify all pertinent elements and dimensions.



TYPICAL SECTION - RIDGEWOOD DRIVE
MEETS CITY REQUIREMENTS PER CITY PLATE NO. 1 AND
MINIMUM PAVEMENT SECTION REQUIREMENTS PER
CVT GEOTECHNICAL REPORT DATED NOVEMBER 13, 2024

5) Describe the existing stormwater runoff management and drainage patterns within the project corridor. Identify any impaired water bodies within, or adjacent to, the site as identified by the state and any existing pre-treatment devices or methods used for improving rate control, infiltration, or stormwater quality.

Most of the site drains to Marie Creek which intersects the property. Rate control and volume reduction will be provided in multiple infiltration basins. There are no impaired waters within or adjacent to the site.

6) Are there any existing quality of life benefits within the project limits (i.e. trees offering shade along a boulevard, Electric Vehicle (EV) charging stations, etc)?

The newly proposed road is entering a very wooded area. We are trying to limit the number of trees impacted to allow for good tree coverage and a serene and natural feel to the roadway.

7) Do any adopted local, county, state, or federal plans call for any multimodal improvements to any facilities within the project corridor? If yes, list applicable plan(s) and improvement(s).

I am not aware of any.

Here is the feedback we received from Ryan Ruzek, Public Works Director of Mendota Heights.

"Constructing trails and sidewalks along the cul-de-sac street would not be a standard in Mendota Heights so I do not feel that offstreet pedestrian facilities are warranted."

8) Does the project include any multimodal, stormwater, or sustainability improvements as called for by any local, county, state, or federal policies? If yes, list applicable policy(s) and improvement(s).

Per the City of Mendota Heights land disturbance requirements for stormwater, there must be a volume reduction of 1.1" for proposed new surfaces, no increase in peak runoff for 2, 10, and 100 year storm events, and no net increase in total phosphorous and total suspended solids. No requirements for multimodal or sustainability were found.

TRANSPORTATION BASIS

9) Fill out the table below to describe the corridor's volume distribution for available information.

There are currently 8 houses that are currently on Ridgewood Drive. I am assuming 8 trips per household per day in my calculations. I am assuming 2 deliveries per day via Amazon, Fedex, or UPS. I am doubling it to 4 after the new road is constructed. I am assuming 2 trips per week for garbage. This will likely remain the same after the new road is constructed.

Description	Existing Volume	Projected Volume (10-year)
Average Daily Traffic	64+2+1=67	104+4+1=109
Passenger Car Volume	64	104
Heavy Vehicle Volume	<3	<5
Pedestrian Count	<10	<20
Bicycle Count	<1	<2

10) Describe the existing and anticipated future trip generators for all users. Include amenities or districts contributing to all users within project limits.

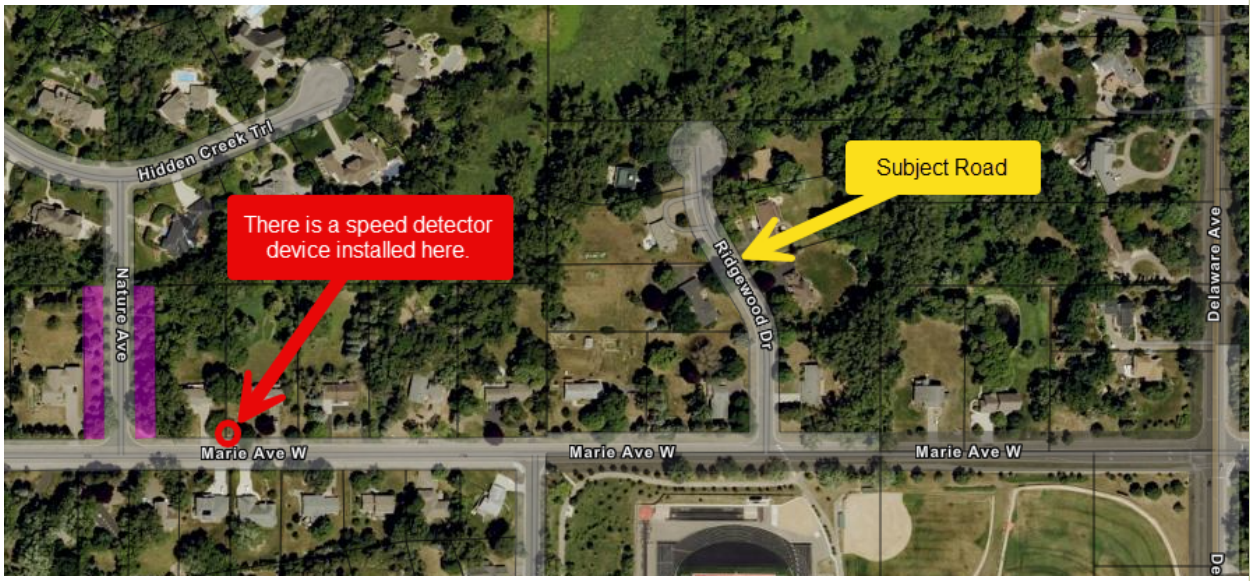
No additional amenities proposed.

11) Identify any known crash data or conflict points within the project corridor. Include any information available pertaining to location, frequency, duration of period covered, and trends between modes. Additional stakeholder and community input may be required to obtain information needed.

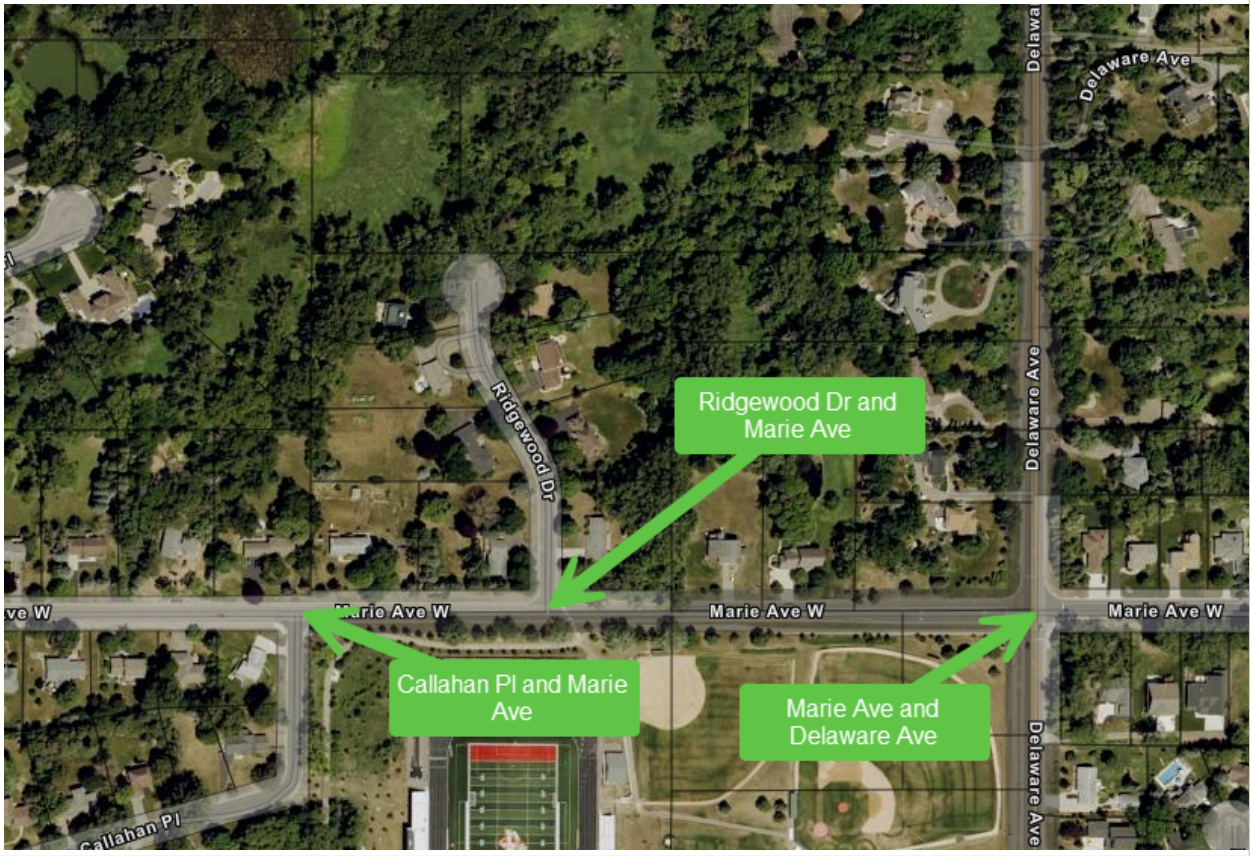
The Fire Marshall was consulted for this project and he confirmed there are no safety concerns and no concerns regarding emergency vehicle access or turn around capabilities. I do not know of any accidents occurring on this street.

12) What are the existing vehicle speed conditions? Identify the posted speed limit for the proposed roadway(s) and intersecting streets. Provide any known speed data or location specific speeding issues within the project limits.

Local urban roads are 30 MPH so I believe it is 30 mph. I am not aware of any speeding issues on this road. There is a speed radar along Marie Ave to the east of Ridgewood Dr. It is possible they are concerned about speed at that spot. See snapshot below.



13) List any intersections within the project limits between multiple functional roadway classifications.



14) Identify if there are any other classifications within the project corridor such as an emergency vehicle route, transit route, or any other designated route.

None.

15) Does existing pedestrian infrastructure within the project limits comply with current local, county, state, and federal guidelines?

Yes.

PROJECT GOALS

16) Identify any known existing or anticipated design deficiencies within the project corridor related to multimodal facilities, stormwater management, or sustainability.

I am not aware of any known existing issues.

Mendota Heights Staff would like the us to manage and implement all the stormwater mitigation and not leave it to the new individual residential lot owners. This is one of the conditions of approval.

No other issues.

17) Develop and describe the goals for the proposed corridor as they relate to the goals of a Living Street.

We want to create a beautiful street to drive on that is surrounded by wooded areas, large lots, and natural elements. We did our best to limit the impact on trees and wetlands. As a result, the road curves with the contour of the land. There will be good tree coverage and low density lots to retain the wooded feel of the neighborhood and the current land.

18) What multimodal facility improvements are proposed to be included within the project corridor? This may include additional trail network, traffic calming efforts, pavement marking changes, etc. Describe all improvements, locations, and decision-making process.

Since this is a short street that does not have a lot of traffic or pedestrian use, we did not include additional improvements to the street. Here is the guidance we received from the Public Works Director for Mendota Heights.

"Constructing trails and sidewalks along the cul-de-sac street would not be a standard in Mendota Heights so I do not feel that offstreet pedestrian facilities are warranted."

Since one of the goals of the Living Street initiative is a comparable or lower cost, we did not feel it was warranted to add cost to the project for something that will add little value or use (sidewalks, street markings, etc)

19) Describe all considerations made for additional, or alternative, multimodal facilities that are not proposed to be included within the project corridor. Include information as to why each improvement was not included.

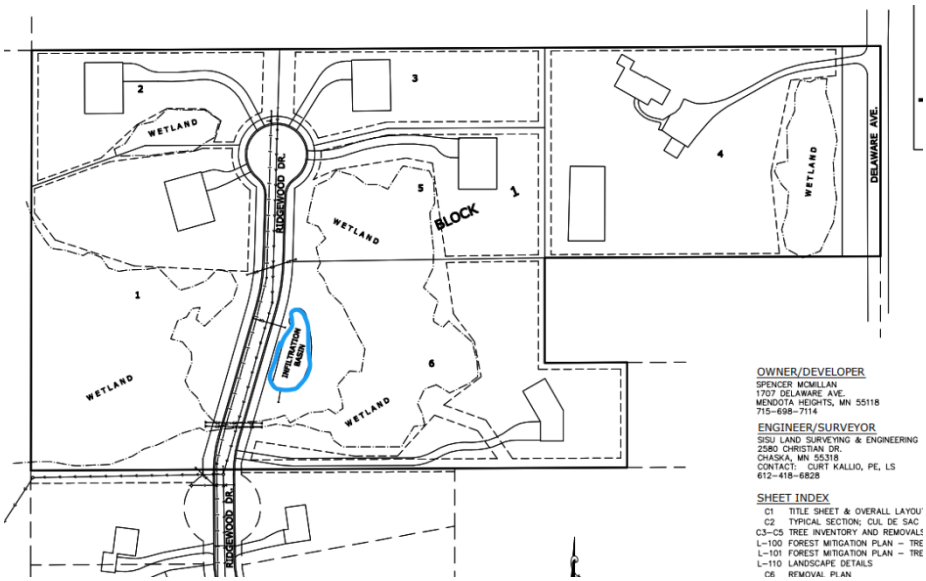
We received feedback from Mendota Heights staff that they did not believe off street pedestrian facilities were warranted so we did not include these. We wanted to make the street extension match the design of the current road. We wanted the road extension to match the character of the current road so they did not look disjointed.

20) What stormwater runoff improvements are proposed to be included within the project corridor? This may include raingardens, sump manholes, or other pre-treatment devices or methods. Describe all improvements, locations, and decision-making process.

There will be multiple infiltration basins to provide volume reduction, treatment, and rate control for the proposed site improvements. Locations were chosen based on the site topography. Infiltration was chosen because the soils are suitable and it is the only method capable of volume reduction.

21) What reductions for environmental impacts or sustainable improvements are proposed to be included within the project corridor? This may include reducing the impervious surface footprint within a project, including an Electric Vehicle (EV) charging station within the corridor, or supporting active transportation to benefit the public health while reducing environmental impacts. Describe all improvements, locations, and decision-making process.

Designed the road to meet Mendota Heights design and construction specifications. It is as narrow as possible while still complying with standards. We are adding an infiltration basin to help with stormwater runoff.



22) Describe all considerations made for additional, or alternative, environmental impact reductions or stormwater and sustainable improvements that are not proposed to be included within the project corridor. Include information as to why each improvement was not included.

Infiltration was chosen because it is the only method capable of meeting all stormwater requirements by the city. No other options were considered.

23) Identify cost savings, benefits, and considerations. What improvements will provide cost savings for long term maintenance or reconstruction?

We are open to reducing the width of the proposed new road to limit stormwater runoff, help save trees, and reduce the cost of construction and maintenance. However, we were trying to design the road to Mendota Heights specification which is 33 ft wide.

IMPLEMENTATION

24) Who are the key personnel related to the project and what are their responsibilities? Identify the project manager, stakeholders, etc. Include any additional project information related to construction such as maintaining access for all users and project schedule.

Spencer McMillan- Owner and developer

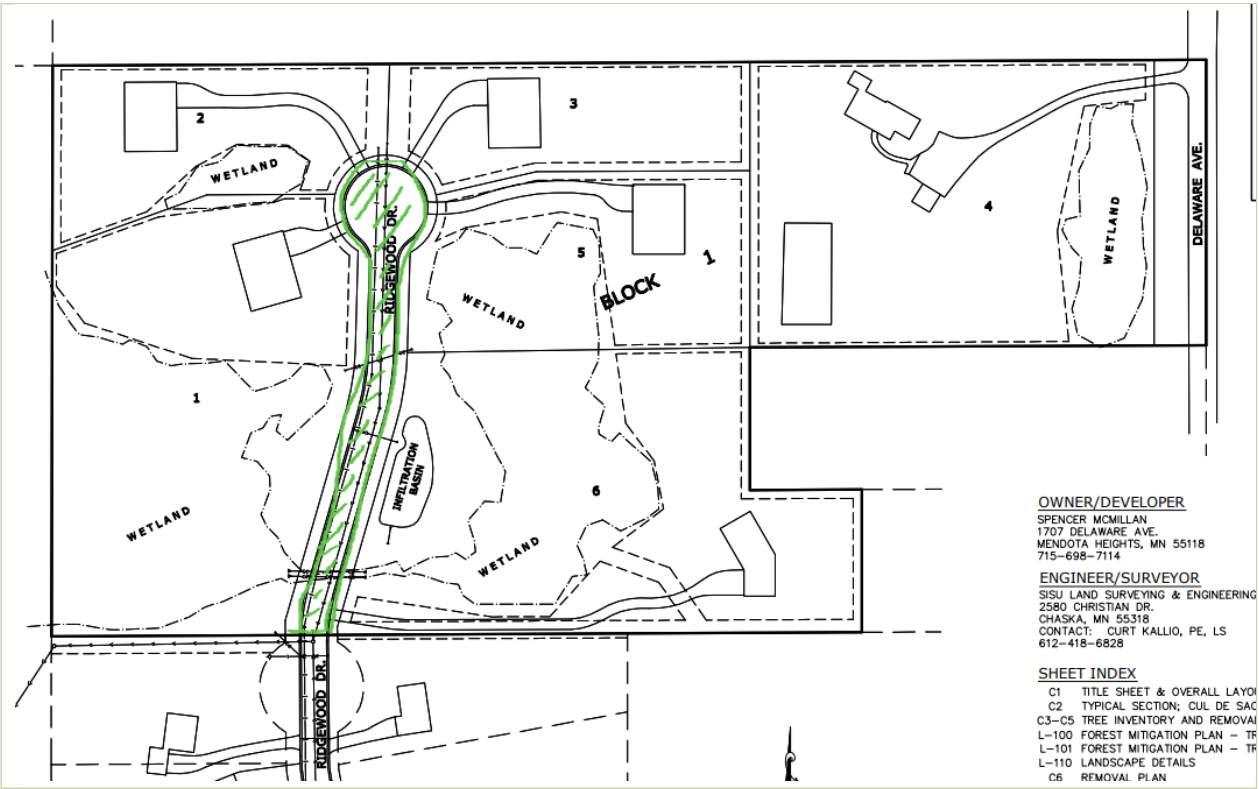
Curt Kallio, Sisu Land Surveying- Surveyor/Engineer

Lucius Jonet, Midwest Wetland Improvements, LLC- Wetland, Environmental, and Landscape

25) Describe the required maintenance routines for all improvements identified within the worksheet. Include information regarding what the maintenance efforts include, how often maintenance will be required, and responsible party(s) for all improvements.

Maintaining the newly constructed city road and cul-de-sac. See section in green below.

The old cul-de-sac wings will be filled in so there will be less asphalt and curb to maintain on the old cul-de-sac.


WETLAND
RIDGEWOOD DR.
BLOCK
1
2
3
4
5
6
WETLAND
WETLAND
WETLAND
WETLAND
INFILTRATION BASIN
DELAWARE AVE.
RIDGEWOOD DR.
OWNER/DEVELOPER
SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114
ENGINEER/SURVEYOR
SISU LAND SURVEYING & ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828
SHEET INDEX
C1 TITLE SHEET & OVERALL LAYO
C2 TYPICAL SECTION; CUL DE SAC
C3-C5 TREE INVENTORY AND REMOVAL
L-100 FOREST MITIGATION PLAN - TR
L-101 FOREST MITIGATION PLAN - TR
L-110 LANDSCAPE DETAILS
C6 REMOVAL PLAN

From: Jonathan Deering <deerinjr@gmail.com>
Date: June 23, 2025 at 11:05:25 PM CDT
To: Litton Field <LField@mendotaheightsmn.gov>, Jason Stone <JStone@mendotaheightsmn.gov>, Patrick Corbett <PCorbett@mendotaheightsmn.gov>, Cindy Johnson <CJohnson2@mendotaheightsmn.gov>, Jeff Nath <JNath@mendotaheightsmn.gov>, Brian Udell <BUdell@mendotaheightsmn.gov>, Steve Goldade <SGoldade@mendotaheightsmn.gov>, Stephanie Levine <SLevine@mendotaheightsmn.gov>, John Mazzitello <JMazzitello@mendotaheightsmn.gov>, John Maczko <JMaczko@mendotaheightsmn.gov>, Joel Paper <JPaper@mendotaheightsmn.gov>, Sally Lorberbaum <SLorberbaum@mendotaheightsmn.gov>
Subject: Re: McMillan Estates Proposal – Planning Commission Meeting, June 24, 2025

Dear Council members and Commissioners,

I am writing to provide comments regarding the McMillan Estates development proposal in advance of the Planning Commission meeting on June 24, which I regret I will be unable to attend due to a prior commitment.

At the last Planning Commission meeting, the applicant responded to my previous comments about the possibility of routing access to the proposed development from Delaware Avenue via his existing property. The applicant asserted that all routing options had been considered and that excessive wetland impacts would result from a Delaware connection. However, I believe there are important factors that warrant further examination and offer a reasonable alternative to the current access proposal.

1. Living Streets Policy and Roadway Width
The City's **Living Streets Policy**, states the city will:

> "7. Identify any opportunities to feasibly improve quality of life aspects by reducing environmental impacts or improving sustainability…"

As noted by Public Works Director Ryan Ruzek in the May 27th 2025 Planning commission meeting, this policy opens the possibility for a narrower 27-28 ft width public roadway to be built to connect the proposed development sites to existing city roads.

2. Routing Access from the North Minimizes Wetland and Neighbor Impacts
By routing access from Delaware, the applicant could reduce permanent wetland impact. If access were routed from Delaware via the land under the applicant's existing driveway at the northeast corner of the property, which runs north of his previously described "giant wall of wetlands", this would appear to cause less cumulative wetland impact than the current proposal. This land under his driveway already connects to Delaware Avenue without impact to wetlands and appears to be within the applicant's ability to dedicate as public right-of-way. Utilities could still be accessed via extensions from Ridgewood Drive but could be implemented as temporary impacts with a plan to restore the surface ecology that is impacted. Importantly, this northern route would eliminate the need to create a driveway along the property line of Linda and Paul Pontinen, which the current plan shows impacting root systems of established trees on the pontinen's property, the adjacent wetland and avoids turning Ridgewood Drive into an excessively long cul-de-sac, which I still contend requires a new variance to further extend (see section 3).

3. Cul-de-Sac Code Enforcement and Legal Interpretation
I am also concerned with the city's stance on the cul-de-sac length restriction in the city code (11-3-3-D). The applicant and staff have referenced the city attorney's opinion suggesting this code is unenforceable, based on the Orchard Heights case (Dakota County case: 19HA-CV-17-3446). However, it is important to clarify that:

- No judge has ruled the cul-de-sac ordinance unenforceable.
- The Orchard Heights decision compelled the city to grant a variance—not to nullify the length ordinance itself.
- The current McMillan Estates proposal would not meet the criteria for a variance under city code and the criteria used in the Orchard Heights case.

The cul-de-sac ordinance is part of the City's regulatory framework. It remains the city's responsibility to enforce this code unless and until it is formally repealed or found invalid by a court. **I do not seek legal conflict**, **but if the city fails to enforce the cul-de-sac length ordinance, the natural next step from the community would be to seek an injunction and declaratory judgment on the ordinance's enforceability**.

Closing
In summary, I urge the Planning Commission and City Council to give further consideration to denial of the current proposal in light of the alternative option of access from Delaware Avenue that reduces wetland impact, protects neighboring properties, and complies with existing city code. This approach reflects the kind of thoughtful planning envisioned by both the city's **Comprehensive Plan** and **Living Streets Policy** and ensures equitable application of development standards.

Thank you for your ongoing service and for considering this feedback in your deliberations.

Respectfully,
Jonathan Deering
1759 Ridgewood Drive

From: Linda Pontinen <lindapontinen@gmail.com>
Date: June 25, 2025 at 15:02:18 CDT
To: John Maczko <JMaczko@mendotaheightsmn.gov>
Subject: McMillan Property

Dear Councilman Maczko,

My husband, Paul, and I built our home about 50 years ago at 1760 Ridgewood Drive in Mendota Heights. We love our community and environment, and often share these thoughts with others.

3 generations of our family explored, preserved, protected and learned from our land plus the super block next to us. Our life included belonging to a neighborhood consortium of respecting and preserving this precious property. Neighbors helped each other groom cross country ski trails—enjoyed and cleared hiking trails—and learned to preserve and cherish nature. Being a former Dist 197 public teacher, with experience from grades 1 - 12, plus both of us being church youth leaders and scout leaders, many youth expeditions occurred on that land, exploring creeks, meadows and forests. Maps were created by the children, with created labels of "Deer Meadow," "Goblin Forest," and more. Protecting the environment was always stressed. Treasured memories were created. The cooperation and support of everyone was wonderful.

We have faced numerous proposals of developments and challenges over the past 50 years. Challenges to people as well as threatening obstacles to our environment, potentially destroying our wetlands, forests and wildlife.

The new proposal for the property to our north is for 5 homes to be built plus an extension of the cul de sac to be created.
The amount of wildlife and tree disruption is unfathomable. We highly praise our city for protecting and preserving the wildlife and environment and rejecting previous active offers.

We contacted Krista Spreiter about a year ago with our concerns about recent land proposals. We are very grateful for her insight, encouragement and advice.

We became very involved with the DNR quite awhile ago, when it was quite evident that our neighborhood, referred to as "The Super Block" for years truly is a super block. It has been preserved and protected, housing innumerable plants and animals that flourish with protection that is provided by our community for these beautiful creatures. This is their home. They thrive here.

This land lays claim to being the largest environmentally natural area that remains in Mendota Heights. We are very fortune to reside in a community that supports the environment so strongly and with such conviction.

Although we have connected with numerous people at the DNR, the person that has supported and helped us a great deal recently is Erica Hoagland. Erica's title is
Region 3 Nongame Wildlife Specialist,
MN DNR - Ecological and Water Resources,
Conservation. Her contact information is 1299 Warner Road, St Paul, Mn 55106, Erica.Hoaglund.state.mn.us
Please feel free to contact her

She offered several valuable resources, websites, and information.

We ask you to review and reflect on these websites and information. Your decision is paramount to the future of Mendota Heights and our complete environment.

Our attention was brought to the Rusty Patch Bee by the DNR as well as neighbors.

We have discovered that this endangered species definitely resides in the Ridgewood Drive/Delaware Avenue area.

The DNR, through their research and inquiries, agreed that the rusty patch bee is prevalent in Mendota Heights and in our area. Several neighbors have reported rusty patch bee sightings on their property. Interestingly, even if there had been no sightings, this area would still remain an endangered species protection area. The law protects the habitat of endangered species.

Federally, **the bee is already legally considered present**. US Fish and Wildlife Service has established what are called "high potential zones" for this species. These zones are the primary locations, geographically, where protections for the bee AND ITS HABITAT are in place. The federal government has enacted safety measures to protect endangered wildlife and their habitats. Habitat loss is tesprctrd as a primary reason of the huge amount of wildlife/plant depletion.

The rusty patched bumble bee (*Bombus affinis*) is endangered. It was listed as federally endangered in 2017 by the U.S. Fish and Wildlife Service, and recently declared and honored as our state bee.

Historically, this bee was broadly distributed across the eastern United States, upper Midwest, and even in southern Quebec and Ontario, Canada. However, over the past two decades, its population has plummeted nearly 90 percent. As pollinators, rusty patched bumble bees play a crucial role in our ecosystems, contributing to food security and native wildflower reproduction. They're also important for crops like blueberries, cranberries, and tomatoes due to their effective "buzz pollination" technique.

Prior to its listing as endangered in 2017, the species experienced a widespread and steep decline. The exact cause of the decline is unknown, but evidence suggests loss of habitat plus a synergistic interaction between an introduced pathogen and exposure to pesticides, specifically insecticides and fungicides, and small population biology.

US Fish and Wildlife Service
fws.gov

- Mendota Heights remains in the Rusty-patched bumble bee high potential zone, which are the areas on the landscape that USFWS considers occupied by rusty-patched bumble bees.

The maps provided by DNR are so fascinating. There really aren't many of theses bees in the entire nation outside of Minnesota and Wisconsin now.

https://www.arcgis.com/home/webmap/viewer.html?webmap=2716d871f88042a2a56b8001a1f1acae&extent=-100.6667%2c29.7389%2c-48.8551%2c50.9676

. The bees are very concentrated near the Twin Cities! Please note attached map.

It was so intriguing to find out more about them. They live underground—of course they will be affected by developments and bulldozers—they are very social and are affected a great deal about losing their habitat. They have difficulty moving and often die.

Another endangered species which the DNR encouraged us to be aware of is the Northern Long Eared Bat. DNR feels this species probably is living in our area.

This bat, which is a wide-ranging, federally endangered species, is found in 37 states.

The species typically overwinters in caves and spends the remainder of the year in forested habitats.

There are many threats to this species. Numbers of northern long-eared bats, gathered from hibernacula counts, have declined by 97 to 100% across the species' range. Due to continued and increased population declines and impacts from threats, in 2022, the U.S. Fish and Wildlife Service included the this bat on the Endangered Species List.

The DNR has been extremely helpful in assisting us with recognizing endangered species in our area.

The DNR also stressed the requirement of completing and adhering to compliance forms that are mandatory from the US Federal Government prior to any development procedures. Because these forms are public record, our neighborhood has been encouraged by the DNR to view and absorb the records and compliance plan.

A Natural Heritage Review is required as part of the State of Minnesota's compulsory environmental review process.

Thank you for all of your sincere interest and support of our community. We commend each of for all of your efforts in positively representing us.

We often refer to a recent introduction to our beautiful city, This was copied from a Mendota Heights' website online.

"The City of Mendota Heights is dedicated to restoring its natural areas to native vegetation and ecosystems. The City is fortunate in having numerous natural areas and open spaces that encompass a variety of vegetative communities, including but not limited to: floodplain forest, upland forest, mesic prairie, oak savanna, and wetland communities.

Mendota Heights is dedicated to this goal."

The land on our northern boarder was labeled wetlands over 50 years ago. A section of wetlands cuts through our property and heads south to numerous adjacent properties.

Wetlands sre like are living, changing beings. Wetlands change yearly. Even monthly. A wetlands is unpredictable. Creeks overflow. Basements flood. Boots may be needed to navigate waters. A year later may prove to be much different. No boots may be required to walk the creek.

Some years may reveal an extremely dry creek and water table. Other times the area reveals unbelievable, overflowing water. People change. Life changes. So do the wetlands.

The Mendota Heights Natural Resources Management Plan states that “Natural resources are the basis of Mendota Heights’ quality of life, beloved by residents, appreciated by visitors, and stewarded by private landowners. . . most of the city’s (natural areas) are on private land.“

These areas must be protected. On public parks as well as on private land. This dedication to wildlife and protecting our wetlands is repeated often in the Natural Resources Management Plan.
Striving to protect our environment is paramount for our city.

It is estimated that numerous mature trees will be destroyed if the present proposal for Super Block is accepted. At one time we were informed the number could be 1500. Innumerable animals, water life, plants and birds will be destroyed or lose their homes.

Never to return.

Please join us in striving to protect our beautiful community. Once it is destroyed it will never return. All of us are depending upon you. Please help.

We all feel very indebted to each of you for your wisdom and concern to protect and preserve our community’s future and environment to the fullest level possible.

Thank you for all of your efforts and determination to accomplish the best possible outcome for Mendota Heights and our community’s environment.

Sincerely,

Linda R. Pontinen
1760 Ridgewood Drive
Mendota Heights, Minnesota 55118

From: Linda Pontinen <lindapontinen@gmail.com>
Date: June 25, 2025 at 20:25:44 CDT
To: Stephanie Levine <SLevine@mendotaheightsmn.gov>, John Mazzitello <JMazzitello@mendotaheightsmn.gov>, John Maczko <JMaczko@mendotaheightsmn.gov>, Joel Paper <JPaper@mendotaheightsmn.gov>, Sally Lorberbaum <SLorberbaum@mendotaheightsmn.gov>, Paul Pontinen <pjpont@msn.com>
Subject: McMillan Property

Dear Mayor and Mendota Heights City Council Members,

Have you ever observed a turkey fly to a large branch of an 80-ft tree to roost for the night? Occurred at 7:00pm daily for one summer a couple years ago. Over a dozen turkeys were involved. We watched from our deck. It was amazing. . .

Or a 2-hour mating dance of a male turkey in our yard that ended in rejection?

Or a disappointed hawk that swooped down to grab a duck who narrowly escaped and flew away with determination?

Or 12 deer, 14 turkeys, 12 pheasants, and 50 robins gathered in one place in our backyard?

This is their world. They visit. We see excerpts of their life. And they are at peace. This is their environment. Their trees. Their fields. Their wetlands.

Please preserve them!

Please save the beautiful heritage trees on both, our property as well as the McMillan Property.

A number of young saplings will never replace an 80' 70 year old tree. We have several.

A turkey cannot land on the branches of a sapling that is 6' tall. The sapling would be crushed. Along with the turkeys' environment.

Even though the intentions might be thought to be acceptable, replacing several smaller trees for a destroyed large heritage tree is not appropriate and will not work to truly save the environment and wildlife. Animals, and plants will be destroyed. Most wildlife species has difficulty locating and finding a new habitat. Loss of habitat is the biggest reason many living creatures become endangered and eventually die.

Please save the wetlands, meadows, and trees! Many of the heritage trees are older than most of us! They are truly irreplaceable. . .

We are extremely indebted to each of you for your support and commitment to saving our community's environment. Thank you for protecting our future.

Sincerely,

Linda and Paul Pontinen
1760 Ridgewood Drive
Mendota Heights, MN. 55118

From:	Stephanie Levine
To:	monique buursema
Cc:	John Weikert; Sally Lorberbaum; John Mazzitello; Joel Paper; John Maczko; Cheryl Jacobson; Sarah Madden
Subject:	Re: Lot 6 of Case No. 2025-03 McMillan Preliminary Plat
Date:	Thursday, June 26, 2025 5:28:05 PM

Dear Monique,

Thank you for contacting the city council regarding your concerns about lot 6 of the McMillan property. We will be addressing these issues at our July 1 meeting as well as any other concerns of the neighbors or property owners at that time.

Sincerely,

Stephanie

Stephanie B. Levine

Mayor

City of Mendota Heights

C:651-302-0861

Website | Connect

From: monique buursema <mbuursema@comcast.net>

Sent: Wednesday, June 25, 2025 12:30 PM

To: Stephanie Levine <SLevine@mendotaheightsmn.gov>; Sally Lorberbaum <SLorberbaum@mendotaheightsmn.gov>; John Maczko <JMaczko@mendotaheightsmn.gov>; John Mazzitello <JMazzitello@mendotaheightsmn.gov>; Joel Paper <JPaper@mendotaheightsmn.gov>

Cc: John Weikert <johnweikert@comcast.net>

Subject: Lot 6 of Case No. 2025-03 McMillan Preliminary Plat

Dear Mayor Stephanie Levine and Council Members Sally Loberbaum, John Maczko, John Mazzitello, and Joel Paper,

As you know, the Planning Commission passed the McMillan Lot Split proposal last night. Before voting, Commissioner Steve Goldade stated that if he were voting with his heart, he would vote no; Commissioner Patrick Corbett discussed sensitivity to the neighborhood as lot 6 has a negative impact on the neighbors; and Commissioner Cindy Johnson stated that neighbors' trees on Ridgewood Drive will be negatively affected and probably wouldn't make it. I appreciate the compassion, empathy, and acknowledgment that lot 6 poses a significant issue for the neighbors.

My husband and I have enjoyed living in our home at 1737 Delaware for over 30 years and raising our son here. Ideally, I would like to see Mr. McMillan's property stay the same as it is, but I realize that as a landowner, he has the right to use his property as he chooses as long as he stays within the guidelines set forth by the city. With that said, I am against building a house on lot 6 and ask that you deny lot split proposal as is. A yard is one of the key factors for buying an existing house. A house on lot 6 will essentially be in my backyard as well as the backyards of other homeowners on

Delaware and Ridgewood Drive, which will negatively affect my home's resale value as well as views as well as those of my neighbors. All of the other proposed house locations are pretty well spaced out from one another. Although within the zoning guidelines, I feel the placement of the house on lot 6 is too close to its neighbors on Delaware and Ridgewood Drive in comparison.

In addition, a house on lot 6 will forever alter a wetland and its wildlife. A house on lot 6 will alter the essential character of the neighborhood, which is a consideration of granting variances. While lot 6 doesn't require a variance, shouldn't building a subdivision be subject to the same consideration of how it impacts the neighborhood?

While I appreciate that the Planning Commission asked Staff to add the condition regarding tree replacement, whereby there must first be an attempt to mitigate tree replacement on-site, who oversees this process and decides that a complete attempt has in fact been made?

Thank you for your work and consideration to this matter.

Sincerely

Monique Buursema
1737 Delaware Ave.

From:	Lawrence Fischer
To:	Sarah Madden; Ryan Ruzek; Joel Paper; John Mazzitello; John Maczko; Stephanie Levine; Sally Lorberbaum
Subject:	Public Comment re: McMillan Estates
Date:	Monday, June 30, 2025 11:14:01 AM

Dear City Council:

We would like to go on record in support of all points in the email from our neighbor Sean Fahnhorst.

Our neighborhood is about to see dramatic change--most of it not for the improvement or safety of our block. Historically, land owners of the super block have been committed stewards of the environment. We are now asking the council to fully shoulder this great responsibility.

While we are appreciative of all of the work of the council, I can't imagine any decisions to be more impactful than land use. Once your decision is made, the land is forever changed. Tree replacement should be a bare minimum requirement, and not determined by language of the applicant.

Understandably, the applicant has rights, but how many variances need to be given while still protecting Mendota Heights?

Thank you for your consideration.

Larry & Chris Fischer
1775 Ridgewood Drive
Residents of 23 years

From:	Jim Kolar
To:	Stephanie Levine; John Maczko; Joel Paper; John Mazzitello; slorberbaum@mendotaheightmn.gov; Sarah Madden
Cc:	Griffith, William C.
Subject:	McMillan Estates
Date:	Tuesday, July 1, 2025 6:38:57 AM
Attachments:	City Council Jult 1, 2025.docx

Dear Mayor and Members of the City Council

I am attaching a letter with my comments in support of the McMillan Estates proposal as recommended by the planning commission including conditions 15 and 16, As stated in my letter the right of way extension to the North property ensures future access to the North and the benefits of a consistent development with McMillan Estates just as Ridgewood was extended to the McMillan property to provide the current access decades ago. I respectfully request that my letter attached and the accompanying documents that I will forward shortly be included in your review.

Thank you in advance for your consideration and I am hoping to be able to attend tonight's meeting

Sincerely

Jim Kolar
1695 Delaware Avenue

July 1, 2025

Mendota Heights City Council

Re: McMillan Estates – Request for Consideration of Future Access

Dear Mayor and City Council members:

We are writing regarding the McMillan Estates proposal. I appeared before the Planning Commission last week in support of the McMillan's' plan to subdivide their property, which lies directly south of and adjacent to our home at 1695 Delaware Avenue. Our property, like the McMillan's' at 1707 Delaware, is 10.05 acres and identical in size and shape.

At the Planning Commission meeting in May, I noted that the current plat differs significantly from previous submissions for McMillan Estates and its predecessor, "Sullivan Acres." This was my first opportunity to address the revised plan, which now includes six homesites (one existing, five new). At the meeting's conclusion, I understood the proposal was tabled to allow the Planning Commission to further evaluate two key concerns:

1. Environmental, drainage, and tree preservation issues raised by others; and

2. The potential "landlocking" of northern neighbors and how the limited northern access aligns with the 2040 Comprehensive Plan.

However, I did not see in the staff report how the second concern had been addressed by City staff. Throughout prior development discussions, we consistently urged the Planning Commission to adopt a comprehensive, long-range approach to development in Mendota Heights and Dakota County—particularly for properties north of Ridgewood. The McMillan proposal, as currently designed, would unreasonably and permanently eliminate access for properties north of the development by terminating the Ridgewood cul-de-sac "nub" short of our property line. It is important to recognize that both the McMillan's and the City of Mendota Heights benefit today from the prior extension of Ridgewood, which enabled access to the McMillan property.

As I testified to the Planning Commission, that same foresight should now be applied to ensure future development opportunities for adjacent northern properties. The current proposal requires no additional land acquisition or cost to Ridgewood property owners. In fact, it allows for the restoration of the "nub" and the return of any excess circular right-of-way to adjacent owners.

On Tuesday, June 24th the Planning Commission adopted a condition that "a 60 foot dedicated right of way be extended to the north boundary of the plat" which is our property at 1695 Delaware We now respectfully urge the City Council to approve that condition to preserve and provide for the logical extension of future streets. Doing so is essential to protect the City's long-term development interests and those of neighboring landowners. The 2040 Comprehensive Plan identifies 22 Focus Areas for future

development. Area 21—the Somerset Area—includes both the McMillan property and our adjacent parcel. The Plan states:

> "Due to the existing large lot configuration, the area has the potential to be further subdivided, provided public sewer, water and road systems would be extended to the area."

Future development north of the McMillan property is entirely consistent with this vision. Just as Ridgewood once provided access and utilities to the McMillan parcel, each northern landowner should be required to extend the roadway across their property to ensure continued development potential. This could include "emergency only" access via a fire gate to Foxwood Lane, enhancing safety for all Ridgewood residents.

Additionally, the City's Subdivision Ordinance (Title 11) strongly supports preserving future connectivity. The McMillan parcel is part of a larger low-density "superblock." Approving a subdivision of only 1707 Delaware without showing how streets could extend into 1695 Delaware appears inconsistent with both the City Code and the 2040 Plan.

This 60 foot dedicated right of way is would be a relatively short extension of the currently proposed extension of Ridgewood Drive and is necessary to access properties to the North. The McMillan plat is requesting a 570 foot right of way to extend Ridgewood over two parcels each with a width of 329 feet Thus the right of way would extend to the North 570 feet of the 658 feet from end to end of those parcels stopping 88 feet short of our property line and cutting off future access. Extending this right of way to the full width to abut our property line is the only feasible and reasonable access point to preserve future development opportunities to the North consistent with the 2040 plan and consistent with good public policy.

It should be noted that at the Planning Commission Meeting on May 27th in the closed session, Mr Ruzak made an unsolicited comment that a second cul-de-sac could be constructed off of Delaware to provide access to the Kolar and Bader properties. This comment was made without context. A Cul-De-Sac proposal off Delaware would require a roadway of more than 1200 to 1300 feet, if it could be accomplished, with a substantial incline and would not accommodate utilities particularly sewer due to that incline. Further, there is not sufficient width on my property to accomplish this as my lot is 329' wide with our house taking up a substantial portion of that width. In addition, the setback requirements could not likely be met as the McMillan's current House at 1707 Delaware extends to just 10' off my southerly lot line. Further the property to the North is another single-family home owned by the Stevens family, not the Bader's. The Stevens own the front portion of the property on Delaware and the footprint of the house and property is not conducive to further development of the roughly 4 acres they own. The remaining Bader property is behind and west of the Stevens and does not have Delaware frontage.

I am attaching my prior letters and comments for your review relative to this proposal.

Again, we urge you to adopt the Planning Commission's recommendation including condition 15 requiring a 60 foot right of way dedicated to the North boundary of the plat.

Thank you for your thoughtful consideration.

Jim and Michele Kolar

From:	Stephanie Levine
To:	Linda Pontinen
Cc:	John Maczko; Sally Lorberbaum; Joel Paper; John Mazzitello; Cheryl Jacobson; Krista Spreiter; Ryan Ruzek; Sarah Madden
Subject:	Re: McMillan Property
Date:	Tuesday, July 1, 2025 2:34:44 PM

Dear Linda,

Thank you for expressing your concerns regarding the wetlands survey. We will have staff respond to whether or not it is appropriate to use the delineated wetlands from 2021at tonight's meeting.

Thanks,

Stephanie

Stephanie B. Levine
Mayor
City of Mendota Heights
C:651-302-0861
Website | Connect

From: Linda Pontinen <lindapontinen@gmail.com>
Sent: Tuesday, July 1, 2025 1:01 PM
To: Stephanie Levine <SLevine@mendotaheightsmn.gov>; John Maczko <JMaczko@mendotaheightsmn.gov>; John Mazzitello <JMazzitello@mendotaheightsmn.gov>; Sally Lorberbaum <SLorberbaum@mendotaheightsmn.gov>; Joel Paper <JPaper@mendotaheightsmn.gov>
Subject: McMillan Property

Dear Mendota Heights Mayor and City Council Members,

We have resided at 1760 Ridgewood Drive, Mendota Heights, MN. 55118 for 50 years.

Wetlands abound on the McMillan property, that boarders us on the north, as well as most of the plots in Breckenridge Estates, of which we are part, and continue with much of Ridgewood Drive.

Upon being aware of a pending development plus extending Ridgewood Drive through wetlands to the north, plus the possible destruction of wetlands and the environment throughout the super block, we ask for your sincere consideration.

The last wetlands survey for the McMillan land occurred in summer of 2021.

The Marie Creek was dry. Crickets and frogs were not chirping. There was an odd, quiet sense about the land. We felt it was strange to conduct a wetlands survey on such comparatively dry land. But then we knew that this was done every 5 years, to see trends and saturation of the land.

It was a very hot, dry summer in 2021. 5 days after the survey was conducted, a drought was declared for Mendota Heights and much of Minnesota. As time progressed, the summer of 2021 was declared as the worst, most severe drought we have ever experienced here.

To secure a valid, reliable wetlands survey, best practice dictates that another much more dependable wetlands survey should be conducted prior to any development. Securing a true map of the wetlands is paramount to avoid disaster, enabling everyone to actually see how much the wetlands permeate the area. This is imperative for our community's environment and for the thousands of living species present here.

The next wetlands survey is due **next summer.**

Please require that a new updated survey is performed prior to any development plans, to ensure a real wetlands course of action. No surprises that way.

Wetlands play an extremely crucial role in environmental health, providing essential needs.

In the not-too distant past, wetlands were regarded as wastelands. Most people felt that they were places to be avoided, and it was common practice to drain them, fill them, or treat them as dumping grounds. A study published by the U.S. Fish and Wildlife Service in 1990 revealed a startling fact: more than half of the 221 million acres of wetlands that existed in the lower 48 states in the late 1700s have been destroyed.

Today, we know that wetlands provide many important services to the environment and to the public.

Imagine a world where there is a natural solution to filter out toxins and pollutants, ensuring the health and purity of the Earth's water sources. Enter wetlands, nature's incredible kidneys.

These pristine ecosystems have a remarkable ability to cleanse and rejuvenate water, playing a vital role in maintaining the overall health of the planet.

Wetlands are highly productive and biologically diverse systems that enhance water quality, control erosion, maintain stream flows, sequester carbon, and provide a home to at least one third of all threatened and endangered species.

Wetlands are increasingly seen as productive and valuable resources worthy of protection and restoration.

nps.gov

Please save the valued wetlands in Mendota Heights. So very much depends upon their survival.

Sincerely,

Linda and Paul Pontinen

1760 Ridgewood Dr

Mendota Heights, Mn 55118

From:	Stephanie Levine
To:	Linda Pontinen; Kelly Torkelson; Sarah Madden
Cc:	Sally Lorberbaum; John Maczko; Joel Paper; John Mazzitello; Cheryl Jacobson
Subject:	Re: McMillan Estates
Date:	Wednesday, July 23, 2025 7:28:15 AM

Dear Linda and Paul,

Thank you for contacting the city council regarding the tree count along the McMillan property. I am forwarding your email to our Assistant City Administrator and Community Development Manager to address this issue, as she will be able to respond to the timing, etc. of the application.

Take Care,

Stephanie

Stephanie B. Levine

Mayor

City of Mendota Heights

C:651-302-0861

Website | Connect

From: Linda Pontinen <lindapontinen@gmail.com>

Sent: Tuesday, July 22, 2025 7:46 PM

To: Stephanie Levine <SLevine@mendotaheightsmn.gov>; Sally Lorberbaum <SLorberbaum@mendotaheightsmn.gov>; John Maczko <JMaczko@mendotaheightsmn.gov>; Joel Paper <JPaper@mendotaheightsmn.gov>; John Mazzitello <JMazzitello@mendotaheightsmn.gov>

Subject: McMillan Estates

Dear Mayor and Mendota Heights City Council Members,

We respectfully request that the Council delay any final decision regarding the approval of development plans for McMillan Estates until a certified arborist can be brought in to conduct a thorough review of the trees along the southern property line.

The landscape architect hired by Mr, McMillan has significantly undercounted the number of trees impacted by the proposed development. Upon repeated inspection, it is evident that an additional 14 trees, 19 total —clearly located near or along the development line—will be affected. These trees were not accounted for in the landscape architect's report.

As you are aware, while landscape architects play a valuable role in site planning, they typically consult with certified arborists to determine the impact of development on trees.

Arborists bring specialized knowledge essential to properly evaluating tree health, root zones,

and the potential effects of grading and construction. It is highly unusual and not standard practice for a landscape architect to make such determinations independently.

Given the situation, it appears that the wrong professional discipline was tasked with assessing tree impact on Lot 6, resulting in an incomplete and potentially misleading report.

This puts the burden on concerned residents to hire a certified arborist ourselves—an expense that should not fall to the public but to those seeking development approval. Nevertheless, we are willing to proceed with securing an independent arborist review, as we are committed to protecting our community's natural resources.

We ask that the Council defer the approval decision for the McMillan Estates Property to allow time for this expert evaluation to be completed. This request is made in good faith and in the interest of ensuring that all relevant environmental factors are responsibly and accurately considered.

Thank you for your attention to this matter. We appreciate your service and commitment to fair and responsible development in our community.

Sincerely,

Linda and Paul Pontinen
1760 Ridgewood Drive
Mendota Heights, Minnesota
55118

From:	Spencer McMillan
To:	Stephanie Levine; Sally Lorberbaum; John Maczko; John Mazzitello; Joel Paper
Cc:	Sarah Madden; Ryan Ruzek
Subject:	Right of Way Condition for McMillan Estates, Case No. 2025-03
Date:	Thursday, June 26, 2025 12:04:38 PM
Attachments:	Right of Way Condition- 1707 Delaware Ave, McMillan Estates.docx

Dear Madam Mayor and Honorable Council Members,

Please find attached my letter regarding the Planning Commission's approval of my subdivision application for 1707 Delaware, which includes a condition requiring a right-of-way dedication to the adjacent Kolar property. I respectfully object to this condition, as it lacks support under city code and state law, and I request its removal to ensure the viability of the proposed development.

I am grateful for the opportunity to work collaboratively with city staff on this project and remain committed to meeting Mendota Heights' standards. Please let me know if you have any questions or if a meeting at your convenience would be helpful to discuss this matter further.

Sincerely,

Spencer McMillan
1707 Delaware Avenue
Mendota Heights, MN 55118
Cell: 651-492-4502

June 26th, 2025

Spencer McMillan

Mendota Heights Resident

1707 Delaware Avenue

Mendota Heights, MN 55118

Dear Madam Mayor and Honorable Council Members,

I am writing to raise an objection to the Planning Commission's condition requiring a right-of-way dedication to the adjacent Kolar property, as it is not supported by city code or state law and would adversely impact my proposed subdivision.

By way of introduction, my wife, Breanna, and I have been residents of Mendota Heights since 2018. We also have family that lives in Mendota Heights. With this subdivision, we plan on building a house on one of the newly platted lots and hope to make Mendota Heights our home for many years to come.

I want to express my deep gratitude for the opportunity to work collaboratively with the City of Mendota Heights staff over the past 18 months to develop a proposal for 1707 Delaware that fully complies with all zoning and city code requirements. The support and guidance from city staff, including Sarah Madden and Ryan Ruzek, have been instrumental in shaping this project. My goal remains to deliver a development that meets the city's standards while aligning with our vision for the property.

Proposal Iterations

Our initial proposal involved a right-of-way extension with two private driveways, which faced challenges due to code restrictions on dead-end right-of-way. In response, we proposed a cul-de-sac extension with three lots, requesting that the cul-de-sac be dedicated but not constructed. While this was approved, the requirement to build the cul-de-sac posed significant financial challenges. To address this, we revised our plan to extend the cul-de-sac and maximize the number of buildable lots, ensuring full compliance with all applicable codes.

Right of Way Dedication Condition

I am pleased that the Planning Commission approved our latest proposal on June 24th, 2025. However, I respectfully object to a condition requiring a right-of-way dedication to the northern property line, adjacent to the Kolar property, as I believe this condition is not supported by city code or state law and would significantly harm our development.

To provide context, Section 11-3-3: Streets and Alleys does not authorize the city to require a right-of-way dedication to adjacent unplatted property owned by another party. Section 11-3-3.A.3 addresses future development or resubdivision within the proposed subdivision, not adjacent properties. City staff, in the June 2024 and May 2025 reports, confirmed that our proposal meets all code requirements without requiring a right-of-way dedication to the Kolar property. Please see the comments from the June 2024 and May 2025 Staff Reports below.

Per current City Subdivision Code Section 11-3-3 Streets and Alleys: **June, 2024 Staff Report**

> *(A) 3. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.*

The expectation within the City's review of a subdivision on larger than normal lots or parcels, is that the applicant/developer is responsible for arranging lots and parcels in such a way that would permit future and smaller subdivision of lots, as well as leaving space "open" for a future potential street, and potential future utility connections. This applies to making those connections only on the subject site, and does not specifically address neighboring land owners. The City must evaluate the ability for the new parcels to be subdivided again in the future, and evaluate if the infrastructure planned will be able to accommodate that potential future split. The applicant has provided within their Letter of Intent an alternative option which was considered for the subject site which may provide for the creation of

Per current City Subdivision Code Section 11-3-3 Streets and Alleys: **May, 2025 Staff Report**

1. *3. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future*

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streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

The expectation within the City's review of a subdivision on larger than 'normal' lots or parcels, is that the applicant/developer is responsible for arranging lots and parcels in such a way that would permit future and smaller subdivision of lots, as well as leaving space "open" for a future potential street, and potential future utility connections. This applies to making those connections only on the subject site, and does not specifically address neighboring land owners. The City must evaluate the ability for the new parcels to be subdivided again in the future, and evaluate if the infrastructure planned will be able to accommodate that potential future split. The applicant has provided a subdivision which places potential new single-family homes on the portions of this property that are not encumbered by wetlands, and each lot within the proposed subdivision is able to meet or exceed the required lot size and lot width for the R-E Zoning District. Based on the availability of dry buildable area, staff believes that the proposed lots are likely not able to be subdivided further based on the current requirements of City Code and that the applicant's subdivision request and the layout of building pad sites, street extension, and utility connection complies with this standard.

Conflicts with Minnesota Law

Beyond the city code, Minnesota law prohibits such a dedication. Under Minn. Stat. § 462.358, subd. 2b(e) (2024), any dedication must be reasonably necessary "as a result of the subdivision" and proportionate to the need created by the proposed development. A road to serve a potential future subdivision of adjacent land not owned by the applicant does not meet this standard. Additionally, Minnesota and U.S. constitutional law preclude municipalities from requiring dedications unrelated to the proposed subdivision's impact.

While we value our positive relationship with our neighbors, the Kolars, and offered a utility easement to serve the Kolar property—exceeding code requirements—we respectfully object to the right-of-way dedication condition. This requirement would have a material and adverse effect on the property values of our proposed lots and conflict with our intended use of the land.

“Landlocked”

Furthermore, concerns about the Kolar property being “landlocked” were addressed by Public Works Director Ryan Ruzek during the May 2025 Planning Commission meeting (2-hour, 3-minute, 23-second mark), where he noted that a second cul-de-sac could be constructed off Delaware to provide access to the Kolar and Badar properties. Sarah Madden then expressed her agreement.

Removal of Right of Way Condition

For these reasons, I respectfully request that the City Council remove the condition requiring a right-of-way dedication to the Kolar property. This condition is not supported by city code or state law, as confirmed by staff findings, and its inclusion would significantly undermine the viability of our development. I am committed to continuing our cooperative efforts with the city to ensure this project aligns with Mendota Heights’ standards and enhances our community.

Thank you for your time, consideration, and dedication to serving Mendota Heights. I am happy to provide additional information or meet to discuss this matter further.

Sincerely,

Spencer McMillan

1707 Delaware Avenue

2572 PROTECTION AND RESTORATION OF VEGETATION

2572.1 DESCRIPTION

This Work consists of protecting and preserving vegetation from damage and restoring vegetation damaged by the Contractor's operations.

2572.2 MATERIALS

A Plant Materials ..... 2571 and 2574.5C

B Temporary Fence

Provide temporary fence meeting the following characteristics and requirements:

(1) At least 4 feet
(2) Conspicuous in color (see Standard Detail Sheet for Protection and Restoration of Vegetation)
(3) Commercially available snow fence or other fencing Material approved by the Engineer

C Water

Provide municipal potable water or harvested ground water for irrigation.

D Rooting Topsoil Borrow 3877

E Tree Growth Retardant (TGR)

Provide the TGR paclobutrazol or an equal approved by the Engineer.

2572.3 CONSTRUCTION REQUIREMENTS

A Protecting and Preserving

Protect and preserve the following:

(1) Specimen Trees
(2) Threatened and endangered plants listed on the Federal and State threatened and endangered species list
(3) Vegetation as required by the Contract
(4) Trees, Brush, and natural scenic elements within the Right-of-way and outside the limits of clearing and grubbing in accordance with 2101.3, "Clearing and Grubbing, Construction Requirements"
(5) Other vegetation as directed by the Engineer

Do not place temporary Structures, store Material, or conduct unnecessary construction activities within 25.25 feet outside of the dripline of trees designated for preservation, unless otherwise approved by the Engineer.

Do not place temporary Structures or store Material, including common borrow and topsoil, outside of the construction limits in areas designated for preservation, as required by the Contract or as approved by the Engineer.

Do not place or leave waste Material on the Project, including bituminous and concrete waste that would interfere with performing the requirements of 2106.3D, "Preparation of Embankment Foundation," or 2574.5C, "Establishing Vegetation and Controlling Erosion." The Department defines concrete waste as excess Material not used on the Project, including Material created from grinding rumble strips. Dispose of excess Material in accordance with 2104.3D, "Disposal of Materials and Debris."

A.1 Temporary Fence

Place temporary fences to protect vegetation before starting construction. Place temporary fence at the construction limits and at other locations adjacent to vegetation designated for preservation as required by the Contract or as approved by the Engineer. The Department will provide tree protection signs. Place tree protection signs in accordance with any of the following:

(1) Along the temporary fence at 50 foot intervals
(2) At least 2 signs per fence
(3) As directed by the Engineer

Do not remove the fence until all Work is completed or until approved by the Engineer.

Ensure the fence prevents traffic movement and the placement of temporary facilities, Equipment, stockpiles, and supplies from harming the vegetation.

A.2 Clean Root Cutting

Cleanly cut tree roots at the construction limits as required by the Contract or as directed by the Engineer.

Immediately and cleanly cut damaged and exposed roots. Cut back damaged roots of trees designated for protection to sound healthy tissue and immediately place topsoil over the exposed roots. Immediately cover root ends exposed by excavation activities with 6 inches of topsoil as measured outward from the cut root ends. Immediately (within 5 minutes) treat cut oak roots with a wound dressing Material consisting of latex paint or shellac. Limit cutting to a minimum depth necessary for construction. Use a vibratory plow, or other approved root cutter in accordance with the Standard Detail Sheet for Protection and Restoration of Vegetation, before excavation.

A.3 Watering

Water root-damaged trees during the growing season that root damage occurs, and water Specified Trees if required by the Contract or directed by the Engineer. Maintain adequate but not excessive soil moisture by saturating the soil within the undisturbed portion of the dripline of impacted or identified trees to a depth of 20 inches. Use a soil recovery probe to check the soil moisture to a depth of 20 inches, and adjust the intervals and frequency of watering in accordance with prevailing moisture and weather conditions.

A.4 Rooting Topsoil Borrow

Place rooting topsoil borrow instead of common topsoil borrow within the dripline of Specimen Trees as required by the Contract or as directed by the Engineer.

Place the topsoil to avoid over-compaction as approved by the Engineer. Establish turf consistent with the adjacent areas as approved by the Engineer.

A.5 Utility Construction

Bore under roots of trees designated for preservation for utility installations within the tree protection zone in accordance with the following:

Table 2572.3-1
Tree Protection Zone

Tree diameter at 4.5 feet above ground, inch	Minimum distance from face of tree trunk, feet	Minimum depth of tunnel, feet
<2	2	3
2–4	4	3
>4–9	6	3
>9–14	10	3
>14–19	12	3.25
>19	15	4

Do not perform open trenching within the tree protection zone.

Bore under areas of native prairie and protected plant species as required by the Contract or as directed by the Engineer.

A.6 Pruning

Provide an arborist certified by the International Society of Arboriculture to prune trees as required by the Contract or as directed by the Engineer in accordance with 2571.3E.1, "Pruning – Top Growth and Roots." Ensure the arborist removes dead, broken, rubbing branches, and limbs that may interfere with the existing and proposed Structures.

A.7 Destroyed or Disfigured Vegetation

Restore vegetation designated on the Plans for preservation that is damaged or disfigured by the Contractor's operations at no additional cost to the Department. Restore the damaged vegetation to a condition equal to what existed before the damage. The Engineer may assess damages against the Contractor for damage to vegetation not restored to the previous condition. The Engineer will assess the value of damages to trees and landscaping at not less than the appraisal damages as specified in the Council of Tree and Landscape Appraisers *Guide for Plant Appraisal*. The Engineer will determine and assess damages of other vegetation.

A.8 Oak Trees

Avoid wounding of oak trees during April, May, June, and July to prevent the spread of oak wilt. If the Engineer determines that Work must take place near oak trees during those months, immediately (within 5 minutes) treat resulting wounds with a wound dressing Material consisting of latex paint or shellac. Blend paint colors with the bark color. Maintain a supply of approved wound dressing on the Project at all times during this period.

A.9 Tree Growth Retardant (TGR)

Provide an arborist certified by the International Society of Arboriculture to treat trees with the TGR as required by the Contract or as directed by the Engineer. Ensure the arborist applies the TGR paclobutrazol as a basal drench or soil injection and in accordance with the label directions. Provide the Engineer with the product label and Material Safety Data Sheet for the product used.

A.10 Other Vegetation Protection Measures

Provide other vegetation protection measures including root system bridging, compaction reduction, aeration, irrigation systems, J-barriers for Specimen Tree protection, and retaining walls as required by the Contract or as directed by the Engineer.

B Quarantined Wood..... 2101.3D.4

C Plant Installation 2571

D Disposal of Material and Debris..... 2104.3D

2572.4 METHOD OF MEASUREMENT

A Temporary Fence

The Engineer will measure temporary fence placed, maintained, and removed by length along the bottom of the fence between end posts.

B Clean Root Cutting

The Engineer will measure clean root cutting by length along the plow line. The Engineer will determine the beginning and ending points for clean root cutting as the intersection of the construction limit and the dripline of the tree or Brush or in accordance with lines shown on the Plans.

C Water

The Engineer will measure water by volume used to protect and restore vegetation. The Engineer will not measure water otherwise used in performing the Work, such as for maintenance of sod.

D Rooting Topsoil Borrow

The Engineer will measure rooting topsoil borrow by loose volume as required by the Contract.

E Pruning

The Engineer will measure pruning by the hours of actual pruning Work.

F Tree Growth Retardant (TGR)

The Engineer will measure TGR by volume of Material applied for the size of the tree treated. The Engineer will determine the volume of TGR required by the diameter at breast height (DBH) of each tree treated. DBH is defined as 4.5 feet above ground level. The Engineer will use a diameter tape measure to measure DBH.

2572.5 BASIS OF PAYMENT

The Department will include the cost of the following with other relevant Contract Items:

(1) Boring under roots in the tree protection zone, dressing of wounds, and disposal of Material and debris
(2) Pruning made necessary to allow for the Contractor's operations

The Department will pay for protection and restoration of vegetation based on the following Unit Prices, in the absence of Contract Unit Prices:

Table 2572.5-1
Protection and Restoration of Vegetation Items

Item	Unit Price
Temporary fence	$2.50 per foot
Clean root cutting	$3.50 per foot
Water	$3.00 per 100 gallon
Prune trees	$75.00 per hour
Tree growth retardant	$8.00 per diameter inch

Councilor Mazzitello thanked Finance Director Kristen Schabacker for her wonderful work.

Mayor Levine echoed the thanks to Finance Director Kristen Schabacker and her team.

B) CITY COUNCIL GOVERNING PRINCIPLES

City Administrator Cheryl Jacobson provided a brief background on this item. The Council was being asked to consider Resolution 2025-41, establishing City Council governing principles.

Councilor Mazzitello moved to adopt RESOLUTION NO. 2025-41 ESTABLISHING CITY COUNCIL GOVERNING PRINCIPLES.
Councilor Lorberbaum seconded the motion.

Further discussion: Councilor Lorberbaum asked and received confirmation that this information would be posted on the website for all to see.

Councilor Maczko thanked City Administrator Cheryl Jacobson for drafting the document and capturing the comments and discussion of the Council.

Ayes: 5
Nays: 0

C) RESOLUTION 2025-36 APPROVING A PRELIMINARY PLAT OF MCMILLAN ESTATES TO SUBDIVIDE THREE (3) EXISTING PARCELS INTO SIX (6) SINGLE-FAMILY RESIDENTIAL PARCELS LOCATED AT 1707 DELAWARE AVENUE AND ITS ADJACENT VACANT PARCELS OWNED IN COMMON (PLANNING CASE 2025-03)

Community Development Manager Sarah Madden provided a brief background on this item. The Council was being asked to consider Resolution 2025-36, approving a Preliminary Plat of McMillan Estates.

Mayor Levine acknowledged that there has been a public hearing on this topic, and many written comments have been received.

Councilor Mazzitello asked and received confirmation that the City's deadline to act on this application is August 19th. He asked about the process that would be followed if the preliminary and final plats are approved, and if there are additional wetland impacts proposed in the building process of the homes.

Community Development Manager Sarah Madden replied that if they get to the building permit phase and the homeowner realizes that there would be additional wetland impacts, the homeowner would need to apply for their own wetland permit application. She commented that, because there would be no more exemptions available, mitigation would need to then be provided.

Councilor Mazzitello asked if there is a timeframe between preliminary and final plat, meaning that there would be a set time within which the final plat would need to be presented if the preliminary plat is approved.

Community Development Manager Sarah Madden stated that the preliminary plat would be valid for one year before it expired. She stated that within that timeframe, the final plat would need to be presented, or an extension could be requested.

Councilor Paper referenced proposed condition nine and asked the process to have land rather than a fee for park dedication.

Community Development Manager Sarah Madden replied that the default process would be a land dedication, but staff did not recommend land dedication because of a lack of planning for park property in this area. She commented that often the City accepts cash in lieu of land for park dedication.

Councilor Maczko stated that his concern would be that they approve the plat, which shows driveways and building pads, and asked if it would be the responsibility of the City to ensure that it could be constructed to prevent the situation that a future lot owner must later deal with wetland impacts that could exist.

Community Development Manager Sarah Madden stated that staff did ask the applicant to consider driveway and grading impacts that may be relevant for wetland impacts. She commented that the plan prepared is a result of that conversation. She commented that two of the wetland impact areas are related to driveways. She stated that if a future property owner chooses to modify that plan, they would need to provide the necessary data to support that type of application.

Councilor Maczko asked if the width of the driveway and grades are shown in the plan to ensure that someone could develop where the plat states they could.

Community Development Manager Sarah Madden stated that the location of the driveways and contour information is shown on the plat, and the minimum driveway width is shown.

Councilor Maczko commented that lots five and six seem to be of concern. He asked if these homes would be sprinkled because of the longer cul-de-sac.

Community Development Manager Sarah Madden replied that home details are not required as part of a preliminary plat. She stated that there is water service and extension provided for a new fire hydrant on the new cul-de-sac.

Public Works Director Ryan Ruzek stated that he was not able to find a requirement that the Orchard homes must be sprinkled. He stated that it could be added as a requested condition if desired. He stated that 20-foot-wide driveways were required for Sunfish Lake, but the Fire Code has been updated, and one- and two-family homes are now exempt from that requirement. He stated that the Council could make the requirement that the homes be sprinkled due to the length of the cul-de-sac.

Councilor Maczko referenced condition 15, which was added by the Planning Commission, related to the public right-of-way. He stated that they do not know if that property would be developed and asked if they should require that. He noted that they are in the process of recodification of the City Code, which would solidify the 500-foot maximum length for a cul-de-sac and could prevent the northern property owner from developing off Delaware. He stated that, from a public safety point of view, he does not like long cul-de-sacs.

Community Development Manager Sarah Madden provided additional details on the requirements for platting and planned connection. She explained that if the 500-foot language is further solidified in the City Code, related to cul-de-sac length, the property to the north could request a variance to extend the right-of-way, or they could construct an L-shaped road, which would extend and connect to Delaware.

Councilor Maczko commented that it was a reasonable decision in the past to bring the existing cul-de-sac to the property line, which provided for the opportunity of this property owner to develop, and would think it makes sense to do the same in this scenario to protect the rights of the northern property owner to develop.

Councilor Lorberbaum commented that this is a preliminary plat, and there are conditions placed upon the approval that must be met for the final plat. She referenced the issue of tree preservation and asked if the applicant must attempt to show tree removal and replacement, even though they will not be building the individual homes.

Community Development Manager Sarah Madden confirmed that it is accurate.

Councilor Lorberbaum referenced lot six, noting that there is no guarantee that the driveway will be in the proposed location, although she recognized that it would be the most feasible location. She stated that a driveway in that location may harm the roots of trees on a neighboring property and asked if that is allowed.

Community Development Manager Sarah Madden explained that the City reviews the width, location, and grade of a driveway, and a driveway permit can include tree mitigation measures. She stated that the City does not review that level of impact to trees when reviewing a driveway permit.

Councilor Lorberbaum asked if lot six would not be viable if there is no other placement for the driveway that would not impact neighboring trees.

Community Development Manager Sarah Madden replied that lot six meets all City requirements under the preliminary plat application. She stated that based on the urban forest preservation ordinance, staff would attach condition 16 to any applicable permits.

Councilor Lorberbaum restated that the city, in its approval, is saying that the lot is a viable lot.

Community Development Manager restated that the lot meets the minimum dimensional standards of city code.

Councilor Maczko asked if the driveway could be moved closer to the wetland to avoid damage to trees. He recognized that trees of neighbors that could be impacted. He recognized that someone has the right to develop a property, but did not believe they have the right to impact someone else's property. He stated that they should address the concern now, as they do not want damage to private property. He stated that there is a way that could be rectified through the development, as the driveway could be moved over, which would require wetland mitigation that could be provided by the developer, but perhaps not by individual property owners. He recognized that not all future property owners complete their own due diligence and often just trust their realtors. He did not want to be in a situation where someone would need a variance because they could not build according to the plans.

Public Works Director Ryan Ruzek stated that the driveway going back to the home pad would follow the natural ground, and a certified arborist would provide protection measures for any trees that may be impacted. He stated that the driveway meets the requirements of the City Code, and a condition has been added that a certified arborist would need to review and approve the impact. He stated that the developer could also approach the neighboring property owner with an offer of settlement as well.

Councilor Maczko commented that he would like the details hashed out in the final plat to address this concern. He stated that there is a right to develop, but he also wants to ensure that what is planned could be constructed, so the onus is not passed to an unsuspecting property owner.

Mayor Levine asked if there is a place to do that in the resolution.

Community Development Manager Sarah Madden replied that the City can place a condition upon a preliminary plat related to wetland impacts and mitigation. She stated that condition 16 addresses those concerns. She stated that a timeline for the development of the individual homes is not required at this time in the process, and the level of impact to the wetlands has been shown as required.

Mayor Levine restated that the city can put in a condition, because it is not known exactly where the driveway is going to go.

Councilor Lorberbaum recognized that lot six is viable even though there is a concern with harm to trees on a neighboring lot not in the development.

City Attorney Amy Schmidt stated that by approving the preliminary plat, the Council is not saying this is a buildable lot as presented, but instead meets the dimensional requirements of the City Code and based upon the information provided and reviewed. She stated that all of the information is public and would continue to be available. She stated that it is important to note that it is not the duty of the City to protect every property owner into the future. The application is designed to review and approve whether all requirements of the preliminary plat have been met. She stated that conditions could be placed upon the preliminary plat approval to ensure that those could be addressed by the time of the final plat.

Public Works Director Ryan Ruzek stated that the developer could be asked to mark out the property line every 50 feet, and if there are significant trees on the neighboring property, an assessment could be done before the final plat.

Mayor Levine commented that the Council has read the written comments and hopes that all questions have been answered. She stated that the applicant would be invited to speak, and if a resident had a new concern or information, they could also speak.

Spencer McMillan, applicant, stated that he had sent a letter related to the extension of the right-of-way. He stated that in regard to park dedication, land versus fee, and noted that a requirement for land would place a burden on the development. He explained that this process started 18 months ago with three lots to minimize impacts to the wetland and land, but that was not allowed by City Code. He stated that the requirements to build the cul-de-sac added a large cost, which then led to this development proposal. He stated that they are investing in the infrastructure, and the six lots support the cost to construct the cul-de-sac. He commented that they are dedicating all the land for the construction of the cul-de-sac, along with the right-of-way to Dakota County along Delaware. He noted that there are 5.5 acres of wetland on the property as well, so, along with the dedicated land as mentioned, additional park dedication would impact the viability of the project. He stated that the home on lot six would be further away from the existing homes than the existing homes are from each other. He stated that they tried to minimize impacts to the wetlands and follow all requirements of the City Code.

Councilor Mazzitello thanked the applicant for his letter, which mentions that the dedication of the right-of-way to the northern property would adversely impact his proposed subdivision, and asked for more information.

Mr. McMillan stated that he has three young children, and he would like them to grow up and build a home at the end of the cul-de-sac. He stated that if the cul-de-sac were extended north, that would impact the viability and value of their property. He stated that it is not their intention to extend the cul-de-sac north, and he did not believe it was a requirement of the City Code or under Minnesota State law.

Jim Kolar, 1695 Delaware, stated that he has always been supportive of the development and would plan to match the density, but this would hold him hostage on the back portion of his property. He stated that the right-of-way extension would be 88 feet. He commented that statements have been made that access to his property could come from Delaware, but he did not believe that to be the case. He believed that the alternative was unreasonable, as a 1,200-foot roadway would be required to support four homes. He stated that the developers of Ridgewood were required to extend that nub, which provided Mr. McMillan to extend to his property, and was asking for the same opportunity to be provided to his property. He stated that if the cul-de-sac were extended north to the Bader property and touched on Foxwood, potentially through an emergency gate, that would solve the issue of public safety concerns. He stated that an L roadway would require his home to be torn down. He stated that this would leave him as the only undeveloped ten-acre parcel, and the back portion would become landlocked. He stated that the 88-foot right-of-way would harmonize the interests of everyone. He referenced the statement that the extension would devalue the McMillan property, but noted that Mr. McMillan is doing the same to the properties currently on the cul-de-sac, which will be extended for his development. He stated that failure to plan for this connection would significantly devalue his property and the ability to develop the property. He stated that if he is provided with the right-of-way extension, he would do the same if/when his property is developed. He stated that although the Council is not required to do certain things, they are also not precluded from doing so. He asked the Council to balance the rights of all parties.

Mike Bader, 1297 Knollwood Lane, commented that his parents purchased the property on Delaware and were held hostage by the poor planning of Foxwood. He stated that the ability to develop is consistent with the Comprehensive Plan and makes sense. He stated that private landowners should have the right to develop their property. He echoed the comments of Mr. Kolar and asked the Council to make up for previous mistakes in Foxwood, which limited the ability of other properties to develop.

Shawn Fahnhorst, 1767 Ridgewood Drive, stated that he has been advocating for the mitigation of disruptions in the neighborhood by the dedication of public space. He suggested perhaps a multi-modal trail which could run along the street. He stated that he would be willing to offer part of his front yard to continue the trail to Marie Avenue.

John Weikert, 1737 Delaware Avenue, stated that the Council has a moral and ethical responsibility to the citizens now and the citizens of the future. He stated that lot six will clearly have a negative impact on the property values of the surrounding neighbors. He commented that people purchased their lots looking out onto the grasslands. He asked if the proposed driveway would be at grade level, noting that the lot floods.

Mayor Levine thanked everyone who provided public input throughout the review process.

Councilor Mazzitello stated that there was a recent development that was controversial with neighboring property owners. He stated that there is a luxury of time as the deadline is in the middle of August. He

asked if the Council would be interested in following a similar process to table the request and have a subcommittee of the Council meet with the residents and then approach the developers with an ask to determine if there is a middle ground. He commented that process made the previous apartment project better as the concerns of the residents were met and the developer was allowed to construct their project.

Councilor Maczko stated that, from his perspective, it would be the neighborly thing to do. He was unsure of the level of neighborhood and developer interaction that had occurred. He stated that it is clear that the developer has the right to develop the property, but neighbors do have concerns. He believed that there is a responsibility to ensure the plans can be constructed as presented. He did not believe a developer has the ability to physically impact things on neighboring properties, such as trees. He stated that if there are conditions for lot six, those should be memorialized to ensure future property owners could find that information. He stated that he would like to find something that everyone could accept and feel okay about, and would be open to the process described by Councilor Mazzitello.

Councilor Lorberbaum commented that she had met with several neighbors, and they would like the opportunity to speak with Mr. McMillan and discuss this matter. She also supported the concept proposed by Councilor Mazzitello. She stated that the Planning Commission did a wonderful job and understood their role that they must approve something if the plan follows ordinances, but it also hurt their hearts to vote yes. She stated that two weeks ago, draft revisions to the city's subdivision code were discussed by the City Council. She reiterated that the purpose of the subdivision ordinance is to safeguard the best interests of the city, to assist the subdivider in harmonizing their interest with those of the city, provide for an attractive, orderly, economic, and safe development of land and urban services and facilities, and to protect the character and symmetry of the neighborhoods in the city while preserving and enhancing the value and economic use of property.

Councilor Paper commented that he is open to that idea, as it resulted in a better project in the end. He stated that he would prefer to accept the parkland dedication, which could create a nature trail in an incredible area.

Mr. McMillan stated that he is fully in support of the concept as he wants to work with neighbors and would like to collaborate.

City Administrator Cheryl Jacobson commented that they would need to determine who on the Council would be a part of the discussions. She noted that in the case of the Plaza, they had two Council members. She noted that there is an August 19th deadline for this application review.

Councilor Mazzitello stated that part of the reason they are redoing Title 11 is to align the Zoning Code with the Comprehensive Plan. He stated that there are at least three policy statements within the Comprehensive Plan related to future planning, proper planning for future growth and development, and connectivity. He stated that the Comprehensive Plan trumps city code.

Councilor Mazzitello moved to table CONSIDERATION OF RESOLUTION NO. 2025-36 TO THE AUGUST 6, 2025, COUNCIL MEETING AND SCHEDULE A MEETING BETWEEN RESIDENTS AND THE DEVELOPER BETWEEN THEN AND NOW TO WORK OUT THE ISSUES.
Councilor Lorberbaum seconded the motion.

Further discussion: Mayor Levine appreciated all the comments that had been made and believes that this will result in a better product for the community.

Ayes: 5
Nays: 0

D) RESOLUTION 2025-37 APPROVING A VARIANCE TO ALLOW FOR THE CONSTRUCTION OF A FENCE EXCEEDING 6-FT IN HEIGHT FOR THE PROPERTY LOCATED AT 1341 CHERRY HILL ROAD (PLANNING CASE 2025-07)

Community Development Manager Sarah Madden provided a brief background on this item. The Council was being asked to consider Resolution 2025-37 approving a variance to allow the construction of a nine-foot fence on the property located at 1341 Cherry Hill Road.

Mayor Levine acknowledged that it would only be a portion of the fence that exceeds nine feet and noted that the condition sufficiently addresses the tapering.

Councilor Mazzitello asked about the distance of the taper and how that would be regulated.

Community Development Manager Sarah Madden explained that the Planning Commission discussed this, noting different methods of taper that could be chosen. She stated that the Council could further define that within a condition if desired. She stated that the applicant agrees with the taper method but was unsure what that would look like until information is provided by the contractor.

Councilor Mazzitello asked how the distance of 15 feet was determined.

Community Development Manager Sarah Madden explained the methodology of her recommendation.

Councilor Maczko stated that he would prefer to respond to the taper suggested by the applicant, as it would be hard to dictate what would look right and determine what that distance would be.

Community Development Manager Sarah Madden stated that when there is a taper, it is typically terraced, but that can vary, and that is why the condition was not specified.

Mayor Levine commented that staff and the Planning Commission did a great job. She stated that the proposed fence will be an improvement over what currently exists.

Danny Michel, applicant, stated that he originally requested the nine-foot fence but prefers the taper method as discussed by staff. He stated that it would perhaps make sense to have a straight-line taper to match the contours of the property. He stated that he is not planning to have the taper along the length of his property and would like to taper after the 15 feet, perhaps to the midline, and then have six-foot fencing.

Councilor Mazzitello stated that staff would then decide through the fence permit if the taper is reasonable.

Councilor Lorberbaum moved to adopt RESOLUTION NO. 2025-37 APPROVING A VARIANCE TO ALLOW FOR THE CONSTRUCTION OF A FENCE EXCEEDING 6-FT IN HEIGHT FOR THE PROPERTY LOCATED AT 1341 CHERRY HILL ROAD.
Councilor Mazzitello seconded the motion.
Ayes: 4
Nays: 0

Spencer McMillan

From: Lucius Jonett <lucius@midwestwetlands.com>
Sent: Thursday, July 10, 2025 7:36 AM
To: Spencer McMillan; Curt Kallio
Subject: RE: McMillan Neighbor Trees

Follow Up Flag: Follow up
Flag Status: Flagged

The sender (**midwestwetlands.com**) is outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Spencer,

I looked back at the email conversations and heritage tree species included cottonwood. So I am sure the big silver maple will be included as a heritage tree. I see minimal risk to that tree since only 10% of it's canopy and dripline where we estimate the majority of tree roots grow would be in the proposed driveway area and potentially disturbed.

Same with the white oak tree, that tree is far enough away that none of the canopy is within the proposed driveway area.

I am most concerned with the leaner box elders and cottonwood trees. They are soft wood, fast growing trees, and are fairly mature based on their diameter. I don't think they are at risk from the proposed driveway, since they are fast growing resilient species, but are they hazards with the lean? If the neighbor's trees fall on your property, is it their responsibility based on city code? And vice versa?

Lucius Jonett, PLA (MN, WI, ND, IA)
Founder & Landscape Architect

Midwest Wetland Improvements LLC
P.O. Box 448
Victoria, MN 55386

MN: (952) 261-9990
WI: (715) 207-9850
Email lucius@midwestwetlands.com
Web www.midwestwetlands.com

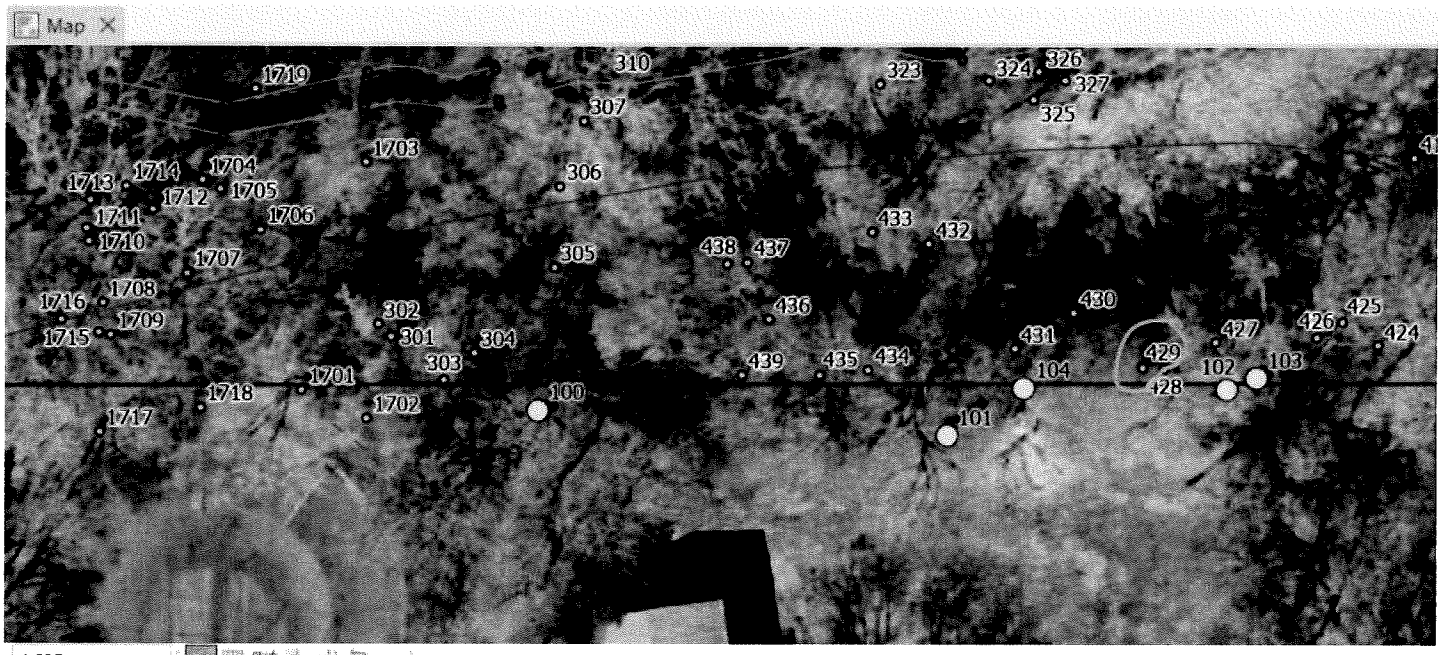
Restoring and protecting the water resources and habitats that are critical to life.

From: Lucius Jonett
Sent: Thursday, July 10, 2025 7:27 AM
To: SMcMillan@McMillanElectric.com; Curt Kallio <curt@sisuland.com>
Subject: McMillan Neighbor Trees

Curt,

Thank you for staking the property line, Spencer and I walked the line and got permission from the neighbor to survey the large trees closest to the property line. We found 5, plus one that we previously tagged as #429. All of these trees are significant (greater than 6" dbh), and only the silver maple classifies as heritage (greater than 24 dbh) per City ordinance. All of the box elders and cottonwood trees have significant lean, some onto Spence's property, some lean onto the neighbors property. With the lean, we can't just look at the canopy/dripline because that is not where the roots are. Roots will be centered around the trunk of the tree where it meets the ground. I would estimate and average of 30' foot diameter canopies on these leaning trees. The canopy diameter of the swamp white oak is about 40', the canopy diameter of the silver maple is closer to 50'.

I have attached the point data for these trees if you want to add them to the plans and sketch the canopies centered on the points.



ChannelDelineation | NeighborTrees

Field: Add | Selection: Select By Attributes | Switch

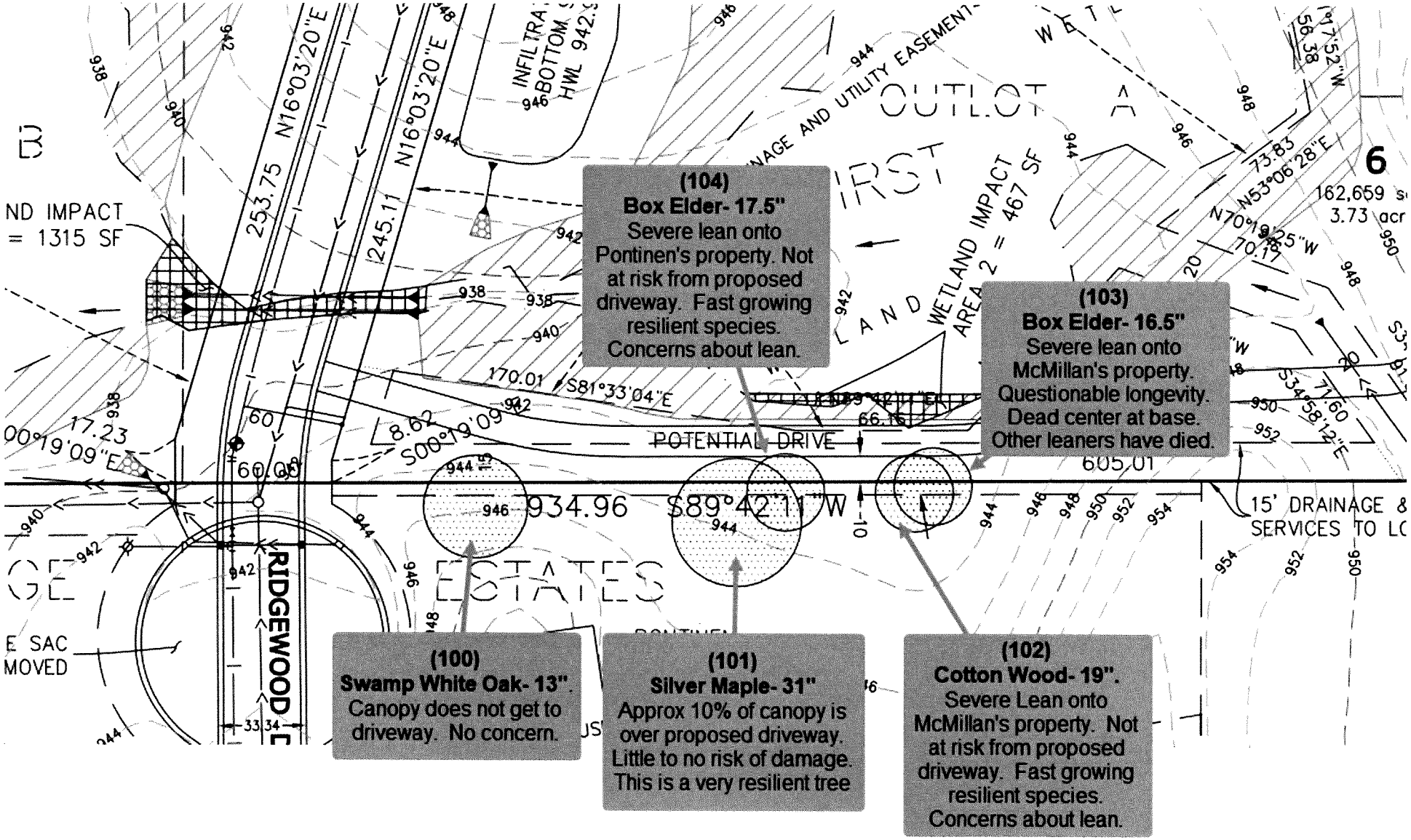
	FID	Shape *	esrignss_l	esrignss_1	Tree_ID	DBH_IN	ConditionH	Comments
1	0	Point	44.892598	-93.109541	100	13	Straight upward growth.	Tree canopy is only on neighbors property, does not extend ir
2	1	Point	44.892581	-93.109153	101	30.75	Straight upward growth.	Approx. 10% of canopy is over proposed driveway
3	2	Point	44.892613	-93.108888	102	19	Severe lean onto McMillan's property.	
4	3	Point	44.89262	-93.10886	103	16.5	Severe lean onto McMillan's property. Questionable...	
5	4	Point	44.892613	-93.109079	104	17.5	Severe lean onto the neighbor's property.	

Lucius Jonett, PLA (MN, WI, ND, IA)
Founder & Landscape Architect

Midwest Wetland Improvements LLC
P.O. Box 448
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MN: (952) 261-9990
WI: (715) 207-9850
Email lucius@midwestwetlands.com
Web www.midwestwetlands.com

esrignss_l	esrignss_1	Tree_ID	DBH_IN	ConditionH	Comments	Species	CreationDa	Creator
44.8926	-93.1095	100	13	Straight upward growth.	Tree canopy is only on neighbors property, does not extend into McMillan's	Oak, Swamp White	7/9/2025 0:00	MWlaLNJonett
44.89258	-93.1092	101	30.75	Straight upward growth.	Approx. 10% of canopy is over proposed driveway	Maple, Silver	7/9/2025 0:00	MWlaLNJonett
44.89261	-93.1089	102	19	Severe lean onto McMillan's property.		Cottonwood	7/9/2025 0:00	MWlaLNJonett
44.89262	-93.1089	103	16.5	Severe lean onto McMillan's property. Questionable longevity - dead center at base, other leaners have died.		Box Elder	7/9/2025 0:00	MWlaLNJonett
44.89261	-93.1091	104	17.5	Severe lean onto the neighbor's property.		Box Elder	7/9/2025 0:00	MWlaLNJonett


(104)
Box Elder- 17.5"
Severe lean onto Pontinen's property. Not at risk from proposed driveway. Fast growing resilient species. Concerns about lean.
(103)
Box Elder- 16.5"
Severe lean onto McMillan's property. Questionable longevity. Dead center at base. Other leaners have died.
(100)
Swamp White Oak- 13".
Canopy does not get to driveway. No concern.
(101)
Silver Maple- 31"
Approx 10% of canopy is over proposed driveway. Little to no risk of damage. This is a very resilient tree
(102)
Cotton Wood- 19".
Severe Lean onto McMillan's property. Not at risk from proposed driveway. Fast growing resilient species. Concerns about lean.
POTENTIAL DRIVE
RIDGEWOOD
ESTATES
934.96 S89°42'11"W
253.75 N16°03'20"E
245.11 N16°03'20"E
170.01 S81°33'04"E
8.62 S00°19'09"E
17.23 S00°19'09"E
WETLAND IMPACT AREA 2 = 467 SF
ND IMPACT = 1315 SF
15' DRAINAGE & SERVICES TO LC
162,659 s
3.73 acr

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Resolution 2025-48 Approving a Conditional Use Permit for a Cannabis Retailer at 1155 Centre Pointe Drive (Planning Case No. 2025-11)

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Community Development **CONTACT:** Sarah Madden, Community Development Manager

ACTION REQUEST:
Adopt Resolution 2025-48 Approving a Conditional Use Permit for a Cannabis Retailer at the property located at 1155 Centre Pointe Drive.

BACKGROUND:
The applicant, Pot Mama's MSO LLC, has applied for a Conditional Use Permit (CUP) for a cannabis retailer location, located in the B-1 General Business zoning district at 1155 Centre Pointe Drive. If approved, the applicant's next steps would be to submit for a Retail Registration of the cannabis-based business and finalize their license with the state Office of Cannabis Management (OCM).

The subject property is located north of Centre Pointe Drive and generally west of Lexington Avenue in an office park development. The property is surrounded by similar office and warehousing type uses, all sharing a zoning designation of B-1 General Business, and a Comprehensive Plan guidance of LB – Limited Business. The proposed cannabis retailer will be a 3,879 sq-ft. retail space, with secure storage and staff areas consistent with OCM requirements.

The subject property is compliance with all buffer requirements detailed in the Title 3-Business and License Regulations, Chapter 8: Cannabis and Lower-Potency Hemp Businesses ordinance, and this Conditional Use Permit application will, if approved, allow the business use in compliance with zoning parameters allowing them to move forward in the regulatory process.

At the July 22, 2025, Planning Commission meeting, a planning report was presented. A duly noticed public hearing was held, and three members of the public spoke to the application as part of the public hearing. The Planning Commission discussed the business plan of the proposed cannabis retailer, inquiring about the social aspect. Staff confirmed that there are

licensing requirements by the state which regulate the proposed use, and that the City provisions related to cannabis retailers have been met by this application, and will continue to be reviewed and processed through the Retail Registration step, if this Conditional Use Permit is approved.

A copy of the 07/22/25 planning report with attachments and an excerpt from the unapproved minutes are attached to this memo. As noted in the attachment, staff recommended approval of the CUP request. Following their discussion, the Planning Commission determined that the applicant met the conditions set forth in City Code Title 12-3B-4: Business/Commercial Use Specific Regulations and affirmed the staff recommendation. The Planning Commission voted unanimously (6-0) in support of the Conditional Use Permit request with findings-of-fact and certain conditions, as outlined in the attached [draft] Resolution.

FISCAL AND RESOURCE IMPACT:

Not Applicable.

ATTACHMENTS:

1. Res. 2025-48 Approving a CUP for a Cannabis Retailer Located at 1155 Centre Pointe Drive - Planning Case 2025-11
2. July 22, 2025 Planning Commission Staff Report
3. Unapproved Planning Commission Minutes 7-22-25

CITY COUNCIL PRIORITY:

Economic Vitality & Community Vibrancy

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-48

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CANNABIS RETAILER LOCATED AT 1155 CENTRE POINTE DRIVE PLANNING CASE 2025-11

WHEREAS, Pot Mama's MSO LLC, (the "Applicant"), requests approval of a Conditional Use Permit (CUP) under Planning Case No. 2025-11, which would allow a new cannabis retailer located at the property at 1155 Centre Pointe Drive, and legally described on Exhibit A; and

WHEREAS, the subject property is guided LB - Limited Business in the *2040 Comprehensive Plan* and situated in the B-1 General Business Zoning District, and

WHEREAS, Title 12-3B-1 of the City Code allows certain "cannabis retailer" uses by Conditional Use Permit in the General Business District, and the proposed use is consistent with the performance standards of the zoning district and City Code; and

WHEREAS, on July 22, 2025 the Mendota Heights Planning Commission held a public hearing on this application request following a presentation of the planning report, and comments from the public were allowed, and whereupon closing the hearing, the Commission recommended unanimously (6-0 vote) to approve the request from Pot Mama's MSO LLC for the CUP, which would allow a cannabis retailer use at 1155 Centre Pointe Drive, as proposed and presented under Planning Case No. 2025-11, with certain conditions identified herein and specific findings-of-fact to support said approval.

NOW, THEREFORE, BE IT RESOLVED by the Mendota Heights City Council that the recommendation from the Planning Commission on Planning Case No. 2025-11 is hereby affirmed, and the Conditional Use Permit requested for the property located at 1155 Centre Pointe Drive is approved based on the following findings-of-fact.

1. The Proposed cannabis retailer use is consistent with the adopted Comprehensive Plan and the Zoning Ordinance for property in the General Business district.

2. The proposed cannabis retailer use is consistent with the performance standards of the Title 3-8-5: Requirements for a Cannabis Business ordinance.

3. If approved, the proposed cannabis retailer use will be eligible to submit for a Retail Registration with the City.

4. With the conditions included herein, the site will provide adequate parking for the multi-tenant building. All parking will be accommodated on-site and no adverse impacts off-

site are anticipated.

5. The property on which the proposed use is located is currently in compliance with all applicable City Code standards.

BE IT FURTHER RESOLVED, by the Mendota Heights City Council that the Conditional Use Permit requested for the property located at 1155 Centre Pointe Drive is hereby approved, with the following conditions:

1. All parking for the multi-tenant building must be accommodated on site. Any indication that the site is under parked may result in required amendments to the Site Plan and/or the Conditional Use Permit.

2. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00 a.m. and 10:00 p.m. on Monday-Saturday; and between the hours of 10:00 a.m. and 9:00 p.m. on Sundays.

3. Any new remodeling or interior work (including building, electrical, plumbing, heating/cooling and other related work) must be submitted for standard building permit review prior to any work being started.

Adopted by the City Council of the City of Mendota Heights this 6th day of August 2025.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

EXHIBIT A

Address: 1155 Centre Pointe Drive

PIN: 278810002012

Legal Description: Lot 1, Block 2, YORKTON CENTRE POINTE SOUTH

Planning Commission

Meeting Date:	July 22, 2025		
Agenda Item:	**CASE No. 2025-11 Conditional Use Permit** Application of Pot Mama's MSO LLC for a Conditional Use Permit (CUP) for a cannabis retailer located at 1155 Centre Pointe Drive		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
The applicant, Pot Mama's MSO LLC, has applied for a Conditional Use Permit (CUP) for a cannabis retailer location, located in the B-1 General Business zoning district at 1155 Centre Pointe Drive.

A public hearing notice for this planning item was published in the Pioneer Press and notice letters were mailed to all properties within 350-feet of the subject property. The city has not received any comments or objections to this land use request as of the submittal of this report.

Background:
The subject property is located north of Centre Pointe Drive and generally west of Lexington Avenue in an office park development. The property is surrounded by similar office and warehousing type uses, all sharing a zoning designation of B-1 General Business, and a Comprehensive Plan guidance of LB – Limited Business.

The proposed cannabis retailer use is a listed Conditional Use in the B-1 General Business zoning district, and is subject to a retail registration requirement and performance standards in Title 3: Business and License Regulations, Chapter 8: Cannabis and Lower-Potency Hemp Businesses. A Cannabis Retailer is defined as "Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form." in Title 3-8, and is subject to licensing requirements by the State Office of Cannabis Management.

Analysis:
Pursuant to Title 12-5B-5, the city recognizes that the development and execution of Zoning Code is based upon the division of the city into districts within which regulations are specified. It is further recognized that there are special or conditional uses which, because of their unique characteristics, cannot be properly classified in any district or districts without consideration, in each case, of the impact of those uses on neighboring land or the public need for the particular location.

To provide for these needs, the city may approve a conditional use for those uses and purposes, and may impose conditions and safeguards in such permits to ensure that the purpose and intent of this chapter is effectively carried out.

The City may grant a conditional use provided the proposed use demonstrates the following:

a) Use will not be detrimental to the health, safety or general welfare of the community,
b) Use will not cause serious traffic congestion nor hazards,
c) Use will not seriously depreciate surrounding property value, and
d) Use is in harmony with the general purpose and intent of this chapter and the comprehensive plan.

A-C) The proposed use will not be detrimental to the health, safety or general welfare of the community; will not cause serious traffic congestion or hazards; nor depreciate surrounding property value.

Staff Response:

The proposed cannabis retailer will be a 3,879 sq-ft. retail space, with secure storage and staff areas. The applicant has provided the business plan for the operation as an attachment to this report. The intention is to provide branding that is neutral and avoids cannabis-related imagery on the visible exterior of the space. The business will be subject to state licensing requirements, and to comply with the Office of Cannabis Management rules, the applicant has noted that professional security and secure storage systems will be in place, as well as strict age verification systems and product testing. The applicant intends the space to be more than a retail business use, and to provide educational programs about cannabis for interested parties, and support group functions to mitigate the stigma surrounding cannabis use. To mitigate traffic impact, the business will be appointment-based and with timed-entry to control the flow of customers. The limited timeframe for each customer visit would also limit any possible congestion or peak traffic issues.

The business plan indicates that the maximum number of FTE employees for the flagship store would be 15. The existing site has 175+ parking spaces for the multi-tenant building. The anticipated client and customer demand for the business is for appointment-based, private consultations. Based on the total size of the space, the City Code would require 22 parking spaces for the proposed use. The existing parking is sufficient for the proposed user, and the existing office spaces within the building with no anticipated issues.

D) The proposed use conforms to the general purpose and intent of the city code and comprehensive plan, including all applicable performance standards, so as not to be in conflict on an on-going basis.

Staff Response:

The subject property is guided LB-Limited Business in the 2040 Comprehensive Plan. The Plan provides the following goal statement:

Goal 3: Encourage and support industrial and commercial development in designated areas.

1. The city will use available resources to identify redevelopment needs. This will include cooperation with Dakota County and the Metropolitan Council to achieve redevelopment objectives.
2. Transitions between adjoining land uses will be required for adjacent residential uses, and will be encouraged between compatible land uses (e.g. transition between a general manufacturing and retail use will be encouraged).
3. Amenities within the industrial and commercial districts will be encouraged to promote a more vibrant and attractive place for workers.

Staff believes the proposed project is in harmony with the general purpose and intent of the City Code and Comprehensive Plan that encourages redevelopment of the industrial areas. The proposed use also supports a new business type within the business and office park, and within the community as a whole. The Limited Business land use category generally includes

uses with a daytime office use, which is compatible with this proposal.

Specific to a cannabis-related business, the City adopted an ordinance which requires a retail registration for a business of this type, and overall the City has a maximum of one (1) retail registration which will be issued. If this Conditional Use Permit is approved, the applicant will proceed with pursuing the retail registration.

The Cannabis and Lower-Potency Hemp Retail Businesses ordinance has performance standards specific to cannabis businesses, as noted in the following section:

3-8-5: REQUIREMENTS FOR A CANNABIS BUSINESS:
A. Minimum Buffer Requirements.
1. No cannabis business shall be located or operated within 500 feet of an existing lawful cannabis business.
2. No cannabis business shall be located or operated within 500 feet of an existing daycare, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
3. No cannabis business shall be located or operated within 1000 feet of a school.
4. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3-8-5 (A) shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a daycare, residential treatment facility, attraction within a public park that is regularly used by minors, or school moves within the minimum buffer zone.
B. Zoning and Land Use.
1. A cannabis or lower-potency hemp business licensed or endorsed by the OCM must be in compliance with the City's Zoning Code including Title 12: Zoning, Chapter 3: Allowed Uses, Table 12-3B-1.1 Table of Uses.
C. Hours of Operation.
1. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00 a.m. and 10:00 p.m. on Monday-Saturday; and between the hours of 10:00 a.m. and 9:00 p.m. on Sundays. (Ord. 597, 3-4-2025)

The subject property is compliance with all buffer requirements detailed in Section A of the above ordinance, and this Conditional Use Permit application will, if approved, allow the business use in compliance with zoning parameters.

Staff has determined that the proposed use has met the requirements of a Conditional Use Permit under the Zoning Ordinance, and is consistent with the purpose and intent of the City's Comprehensive Plan. With the conditions provided herein, the use will not be detrimental to the health, safety or general welfare of the community, nor cause any serious traffic congestion or hazards, nor depreciate surrounding property values.

Alternatives:

1. Recommend approval of the Conditional Use Permit for a cannabis retailer at 1155 Centre Pointe Drive with certain conditions and based on the findings of fact contained herein; or
2. Recommend denial based on the findings of fact(s) determined by the Planning Commission, that the Conditional Use Permit Amendment requested herein is not consistent with the City Code or Comprehensive Plan and may have negative impact on the surrounding neighborhood and/or properties; or
3. Table the application and request additional information from staff and/or the applicant.

Staff will extend the review period an additional 60 days in conformance with Minnesota Statute 15.99

Staff Recommendation:
Staff recommends approval of the Conditional Use Permit for 1155 Centre Pointe Drive, based on the attached findings-of-fact and with the following conditionals of approval:

1. All parking for the multi-tenant building must be accommodated on site. Any indication that the site is under parked may result in required amendments to the Site Plan and/or the Conditional Use Permit.
2. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8:00 a.m. and 10:00 p.m. on Monday-Saturday; and between the hours of 10:00 a.m. and 9:00 p.m. on Sundays.
3. Any new remodeling or interior work (including building, electrical, plumbing, heating/cooling and other related work must be submitted for standard building permit review prior to any work being started.

Attachments:
1. Findings of Fact for Approval
2. Site Location Map
3. Letter of Intent
4. Proposed Floor Plan
5. Pot Mama's Social Boutique - Business Plan

FINDINGS OF FACT FOR APPROVAL
Planning Case No. 2025-11
Conditional Use Permit for 1155 Centre Pointe Drive

The following Findings-of-Fact are made in support of approval of the proposed Conditional Use Permit request for a cannabis retailer:

1. The Proposed cannabis retailer use is consistent with the adopted Comprehensive Plan and the Zoning Ordinance for property in the Industrial district.

2. The proposed cannabis retailer use is consistent with the performance standards of the Title 3-8-5: Requirements for a Cannabis Business ordinance.

3. If approved, the proposed cannabis retailer use will be eligible to submit for a Retail Registration with the City.

4. With the conditions included herein, the site will provide adequate parking for the multi-tenant building. All parking will be accommodated on-site and no adverse impacts off-site are anticipated.

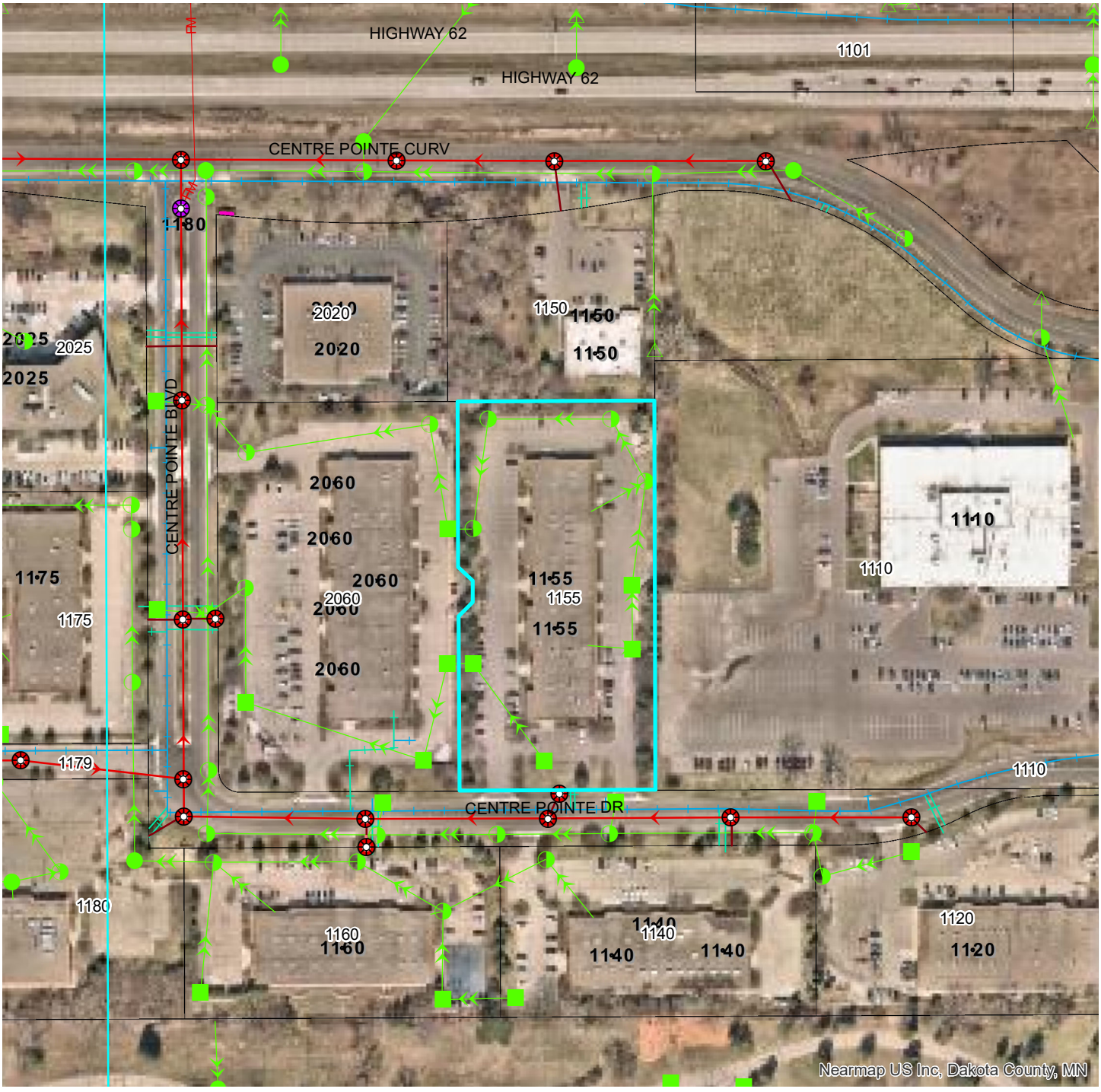
5. The property on which the proposed use is located is currently in compliance with all applicable City Code standards

Site Location/Aerial Map
1155 Centre Pointe Drive

Date: 7/18/2025

0 210
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

LETTER OF INTENT

Conditional Use Permit Application

Retail Cannabis Boutique - City of Mendota Heights

Date: 6/10/2025

To: City of Mendota Heights Planning Commission

From: Pot Mamas MSO, LLC

Re: Conditional Use Permit Application for Retail Cannabis Business

DETAILED NARRATIVE AND JUSTIFICATION

Business Overview and Community Need

We respectfully submit this Letter of Intent to operate a premium retail cannabis boutique in Mendota Heights. Our proposed establishment will serve as a professionally managed, community-focused cannabis retailer that prioritizes customer education, product quality, and regulatory compliance.

Justification for Need:

The legalization of adult-use cannabis in Minnesota has created a legitimate market demand for safe, regulated cannabis products. Our boutique will fill this need by providing:

- **Safe Access**: A secure, regulated environment for legal cannabis purchases, eliminating the need for residents to seek unregulated alternatives
- **Economic Benefits**: Local job creation, tax revenue generation, and support for Minnesota's emerging cannabis industry
- **Community Service**: Educational resources about responsible cannabis use and harm reduction
- **Professional Standards**: A boutique-style retail experience that elevates industry standards and community perception

Response to Conditional Use Standards

a) Health, Safety, and General Welfare of the Community

Our commitment to community health, safety, and welfare includes:

Security Measures:

- State-of-the-art surveillance system with 24/7 monitoring
- Professional security personnel during operating hours
- Secure storage systems meeting all state requirements
- Limited cash handling with armored car services
- Controlled access points with ID verification systems

Health and Safety Protocols:

- Strict age verification (21+) with dual ID checking systems
- Product testing and quality assurance through licensed laboratories
- Child-resistant packaging and clear labeling on all products
- Staff training on responsible sales practices and recognizing impairment
- Compliance with all Minnesota Cannabis Control Board regulations

Community Welfare Initiatives:

- Educational programs about responsible cannabis use
- Support for local substance abuse prevention programs
- Employment opportunities for local residents
- Participation in community events and local business associations

b) Traffic Congestion and Hazards

Traffic Impact Mitigation:

Our boutique is designed to minimize traffic impact through:

Operational Design:

- Appointment-based and timed-entry systems to control customer flow
- Adequate on-site parking to prevent street parking issues
- Strategic location selection with good access to major thoroughfares
- Hours of operation designed to avoid peak traffic periods

Infrastructure Considerations:

- Professional traffic impact assessment completed
- Coordination with city traffic engineering department
- Adequate ingress and egress points to prevent backup
- Delivery scheduling during off-peak hours

Customer Management:

- Average visit duration of 10-15 minutes minimizes parking demand
- Pre-ordering system to reduce wait times
- Clear signage and traffic flow management on-site

c) Property Values and Neighborhood Impact

Property Value Protection:

Our boutique will maintain and enhance property values through:

Facility Design:

- High-quality architectural design consistent with local aesthetic standards
- Professional landscaping and exterior maintenance
- Discreet signage that complies with all local regulations
- Investment in property improvements and ongoing maintenance

Operational Excellence:

- Professional management and staff presentation
- Strict cleanliness and maintenance standards
- Noise control measures to respect neighboring properties
- Proper waste management and odor control systems

Community Integration:

- Participation in local business improvement initiatives
- Support for neighborhood events and organizations
- Commitment to being a responsible corporate neighbor
- Open communication with adjacent property owners

d) Harmony with City Code and Comprehensive Plan

Alignment with Municipal Planning:

Our proposed use aligns with Mendota Heights' planning objectives:

Zoning Compliance:

- Full compliance with all applicable zoning requirements
- Conditional use permit process ensures proper oversight
- Commitment to ongoing regulatory compliance
- Regular reporting and inspection cooperation

Economic Development Goals:

- Contribution to local tax base and economic diversification
- Creation of quality employment opportunities
- Support for Minnesota's emerging cannabis industry
- Attraction of responsible business investment

Community Character:

- Boutique-style operation that enhances rather than detracts from community character
- Professional presentation consistent with local business standards
- Commitment to maintaining Mendota Heights' reputation as a well-managed community
- Integration with existing commercial district fabric

Operational Excellence Commitment

Management Standards:

- Experienced management team with retail and compliance expertise
- Comprehensive staff training programs
- Regular compliance audits and reporting
- Community liaison position for ongoing communication

Product Quality:

- Partnerships with licensed, reputable Minnesota cannabis cultivators
- Rigorous product testing and quality control
- Educational materials and knowledgeable staff
- Focus on premium, tested products from licensed sources

Community Engagement Plan

We commit to ongoing community engagement through:

- Regular attendance at city council and planning commission meetings
- Participation in local business associations
- Quarterly community input sessions
- Annual community benefit reporting
- Partnership with local law enforcement on safety initiatives

Conclusion

This retail cannabis boutique represents a carefully planned, professionally managed business that will serve our community's needs while maintaining the highest standards of safety, security, and regulatory compliance. We are committed to being a positive addition to Mendota Heights' business community and contributing to the city's continued prosperity.

We respectfully request your favorable consideration of this conditional use permit application and welcome the opportunity to address any questions or concerns you may have.

Respectfully submitted,

Erin Pash

CEO | Owner

Pot Mamas MSO, LLC

651.324.3746

erin@pot-mamas.com

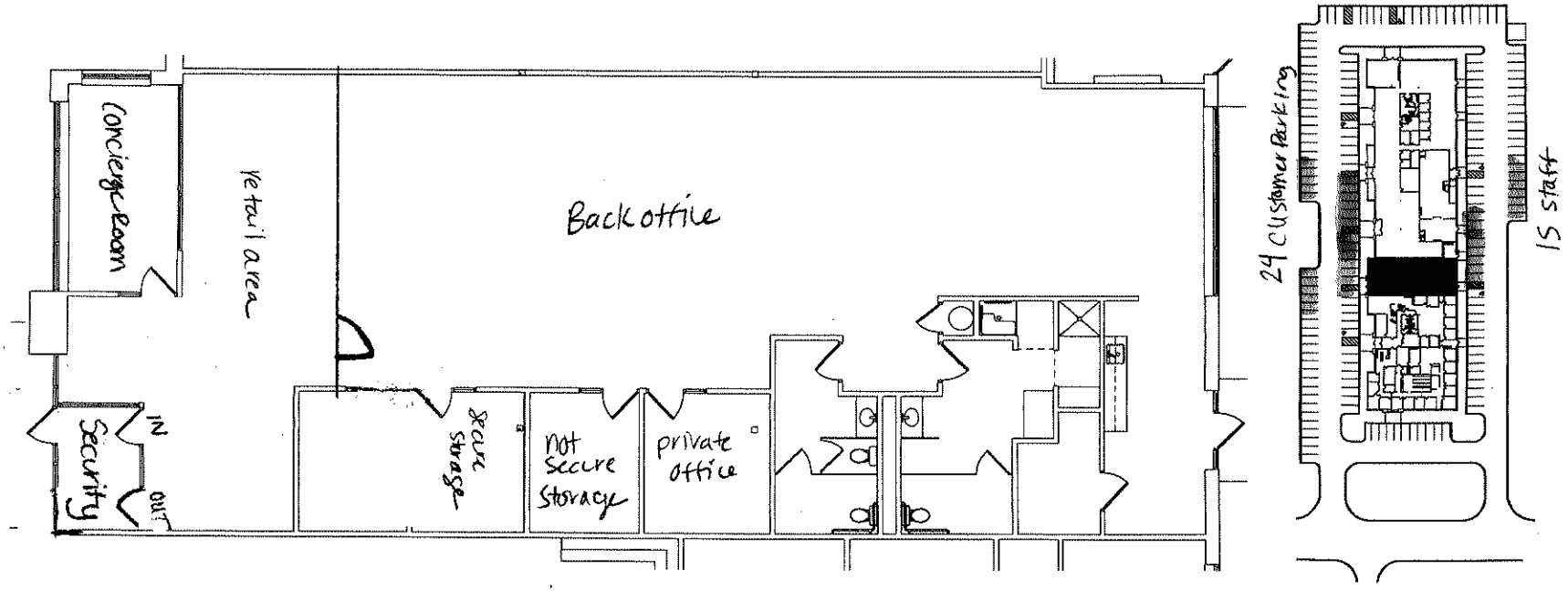
Attachments:

- Site plans and architectural drawings
- Security plan details
- Business Plan
- Marketing Plan

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MENDOTA TECH WORKPLACE II

TOTAL AVAILABLE
3,879 SF





POT MAMA'S
SOCIAL BOUTIQUE

Pot Mamas, MSO LLC

BUSINESS PLAN & OPERATIONAL BLUEPRINT

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Executive Summary

Pot Mamas, LLC is a woman-owned cannabis retail brand designed to redefine the dispensary experience through community engagement, rigorous compliance, and a socially conscious mission. Our founding team combines decades of healthcare leadership, regulatory navigation, and retail operations. With projected revenue of $7–12M per location, a robust compliance-first infrastructure, and a boutique atmosphere grounded in education and local partnerships, Pot Mamas will elevate the standards of cannabis retail in Minnesota.

Company Overview

Legal Name: Pot Mamas, MSO LLC

Ownership Team: Shayna Hoechst, Limited Partner, CEO

Erin Pash, Managing Partner, President

Lucas Volini, Chief Brand Officer

Brad Crnobrna, Chief Administrative Officer

Daniel Crilly, Security and Product Officer

Hallie Corbett, Head of Operations

Ownership Structure

100% privately held by PASH Company. No previous cannabis business interests.

Funding

Up to $1,000,000 from internal capital with additional credit lines available from lenders.

Mission & Vision

Our mission is to normalize and elevate cannabis consumption through education, community integration, and responsible retail. We envision dispensaries as "social boutiques" – spaces that promote wellness, conversation, and creativity.



Brand Identity & Community Commitment

More Than a Dispensary. A Community.

Pot Mamas reimagines the cannabis retail experience as a welcoming, education-first, stigma-free space – particularly for women. We are Minnesota's first dispensary designed with a dual mission: to offer a premium, inclusive cannabis retail experience for all, while cultivating a supportive membership-based community space for women.

Responsible Branding & Youth Safety

Our brand intentionally avoids imagery, language, colors, or themes that could appeal to children or adolescents. Storefronts are neutral, mature, and minimalist in aesthetic – without neon colors, cartoon references, or playful mascots. Product packaging and displays strictly adhere to all state requirements to limit youth appeal, and no cannabis-related imagery is visible from the exterior.

Cannabis Education at the Core

Every Pot Mamas location is staffed with certified Cannabis Concierges who offer one-on-one product consultations tailored to individual goals such as sleep, relaxation, or pain relief. Our boutique environment encourages dialogue and safe inquiry. Additionally, we offer:

- Free educational resources in-store and online
- Community seminars on responsible cannabis use
- Workshops on safe product integration and dosing
- Printed guides for first-time consumers and caregivers

Breaking the Stigma for Women

Despite growing normalization, women remain less likely to speak openly about cannabis use due to persistent stigma. Pot Mamas exists to challenge that reality. Our mission is to give women a judgment-free space where they can:

- Ask questions without embarrassment
- Connect with others on a similar journey
- Learn how cannabis supports wellness goals

The Pot Mamas Membership Program

While our dispensary is open to all, our women's social club adds a unique, members-only layer of community. Member benefits include:

- Priority access to new products
- Member-only educational and social events
- Personalized product consultations
- Exclusive discounts and curated offers
- A private network of like-minded women

Curated, Intentional Experiences

Our events calendar features:

- Cannabis education workshops
- Guided meditation sessions
- Creative events (e.g., paint nights, poetry circles)
- Social gatherings designed to build connection and destigmatize cannabis

Come As You Are

Whether you're a cannabis veteran or simply curious, Pot Mamas ensures a welcoming, pressure-free environment. Our team supports you at every step of your journey.

Market Opportunity

With Minnesota's retail cannabis market emerging, Pot Mamas targets high-opportunity suburban and urban locations with underserved demographics.

Our differentiation lies in:

- Health care-informed leadership
- Female-owned and operated identity
- Suburban-friendly store design and safety plans
- Local collaborations with artists and makers

Projected Business Size & Growth

Year ONE: Flagship Store

- Revenue: $2.4M–$3.6M
- 12–15 FTE
- ~3,000 monthly transactions

Year THREE: FIVE Locations

- Revenue: $12M+
- 70+ FTE
- ~15,000 monthly transactions

Retail Operations Overview

Facility Size: 2,500–3,000 sq. ft. retail + 800 sq. ft. secure storage and staff areas.

FEATURES

- ID-verification vestibule
- Product concealment zones
- ADA compliant, well-lit, camera-covered sales floor

PRODUCT HANDLING

- Chain-of-custody documentation for all transfers
- Secure and limited-access storage
- FIFO inventory rotation and daily reconciliations

Delivery Operations Overview

Delivery Hub: 5,000 sq. ft. industrial facility

Fleet: Up to 8 secure, unmarked vehicles

PROTOCOLS

- Dual-driver teams
- Randomized routing
- Remote vehicle lockdowns
- Multi-stage age verification (online + physical ID + UV scanners)

Inventory Control & Diversion Program

- Twice-daily cycle counts
- Biometric access to secure storage room
- No personal items in inventory zones
- Continuous camera coverage, with monthly audits and logs
- Incident reports filed within 24 hours; major variances trigger investigation and state reporting

Security Plan

SURVEILLANCE

- 1080p, 24/7 coverage, 90-day retention
- Camera placement: POS, secured storage rooms, exits, and exterior perimeter

SYSTEMS

- Motion, glass-break, panic buttons, and dual-authentication safes
- Full cybersecurity plan with firewalled infrastructure and UPS backup

PERSONNEL PROTOCOLS

- Opening/closing procedures
- Cash handling training
- On-site emergency response plans

Financial & Tax Compliance

Accounting System: GAAP-compliant accrual-basis accounting.

AUDITS & CONTROLS

- Monthly financials prepared
- Quarterly tax planning meetings
- CPA-reviewed systems

TAX COMPLIANCE

- Sales tax filings monthly (state) + quarterly (federal)
- 280E documentation procedures
- Records retained for 7 years

Quality Assurance

SAFE HADLING

- PPE, storage conditions, sealed transport
- Quarantine of damaged/questionable products

ERROR IDENTIFICATION

- Daily packaging and count inspections
- Customer complaint tracking and escalation protocol

CORRECTIVE ACTIONS

- Supplier notification
- Retraining
- Formal documentation and audit trail

Employee Training & Education

Onboarding: 4-week training covering safety, hygiene, product handling, and service skills

ANNUAL REQUIREMENTS

- Emergency response drills
- Refresher courses
- Performance and compliance reviews

Topics Include:

- Workplace Safety and Workplace Hygeine
- Respectful Workplace Practices
- Market Trends and Product Knowledge

Environmental Sustainability

Energy Efficiency: LED lighting, smart HVAC, renewable energy credits

Water Conservation: Low-flow fixtures, smart irrigation, submetering

WASTE MANAGEMENT

- Recycling + eco-friendly packaging
- In-store reusable bag program
- Secure disposal protocols

Labor Peace Commitment

Pot Mamas affirms its commitment to labor peace through attestation to OCM and future agreement adoption if headcount exceeds 10 FTEs. We believe in workforce dignity, transparency, and fair employment practices.

Leadership Team

Shayna Hoechst (Limited Partner), *CEO*

Erin Pash (Managing Partner), *President*

Lucas Volini, *Chief Brand Officer*

Brad Crnobrna, *Chief Administrative Officer*

Daniel Crilly, *Security and Product Officer*

Hallie Corbett, *Head of Operations*

Compliance Statement

Pot Mamas will continually update SOPs, security infrastructure, and reporting protocols to remain compliant with all regulatory updates. We maintain a proactive relationship with OCM and local law enforcement to ensure community safety and trust.

Conclusion

Pot Mamas, LLC is not just building a dispensary—we're building a new kind of social infrastructure. Our team, vision, and execution readiness position us to be a statewide model of responsible, profitable, and community-embedded cannabis retail.

Attachments: Full SOPs, licensing attestations, and state-submitted documents available upon request.



POT MAMA'S

SOCIAL BOUTIQUE

POT MAMA'S

Social Boutique

The Social Boutique for Elevated Living

Where Community, Wellness, and Responsible Cannabis Use Intersect on Main Street.

A Changing Landscape

- Minnesota has embraced recreational cannabis.
- The demand exists – across age, gender, and profession.
- Cities must now decide ***who*** they want in their community.

POT MAMA'S

Not all dispenseries are created equally...

The Fear (And We Get It)

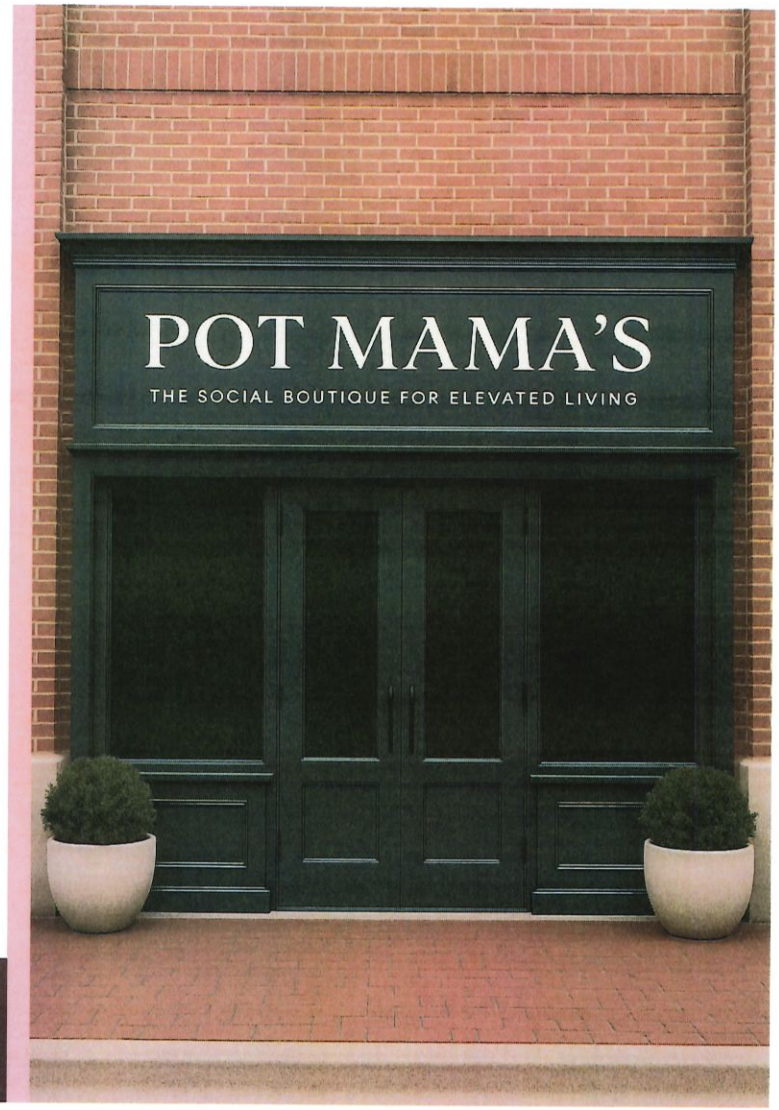
- Vape shops with neon signs.
- Loitering and loud music.
- Minimal standards, maximum chaos.
- Profit over community wellness and safety.
- Wrong message for families.



We have these same concerns, which is why we brought **POT MAMA'S** *to market.*

Introducing POT MAMA'S

- Safe, beautiful, welcoming retail spaces.
- Family and wellness-oriented values.
- Staffed by certified, kind, and educated professionals.
- Created to reflect and elevate the communities we serve.



Owned by Licensed Healthcare Professionals

- Two of our founding partners are licensed mental health professionals.
- We bring clinical integrity to cannabis education.
- Our team curates research-based resources to guide use.
- Our mission is grounded in public health, not hype.

We're here to build trust, not just a brand...



More than a Dispensery: A Social Boutique

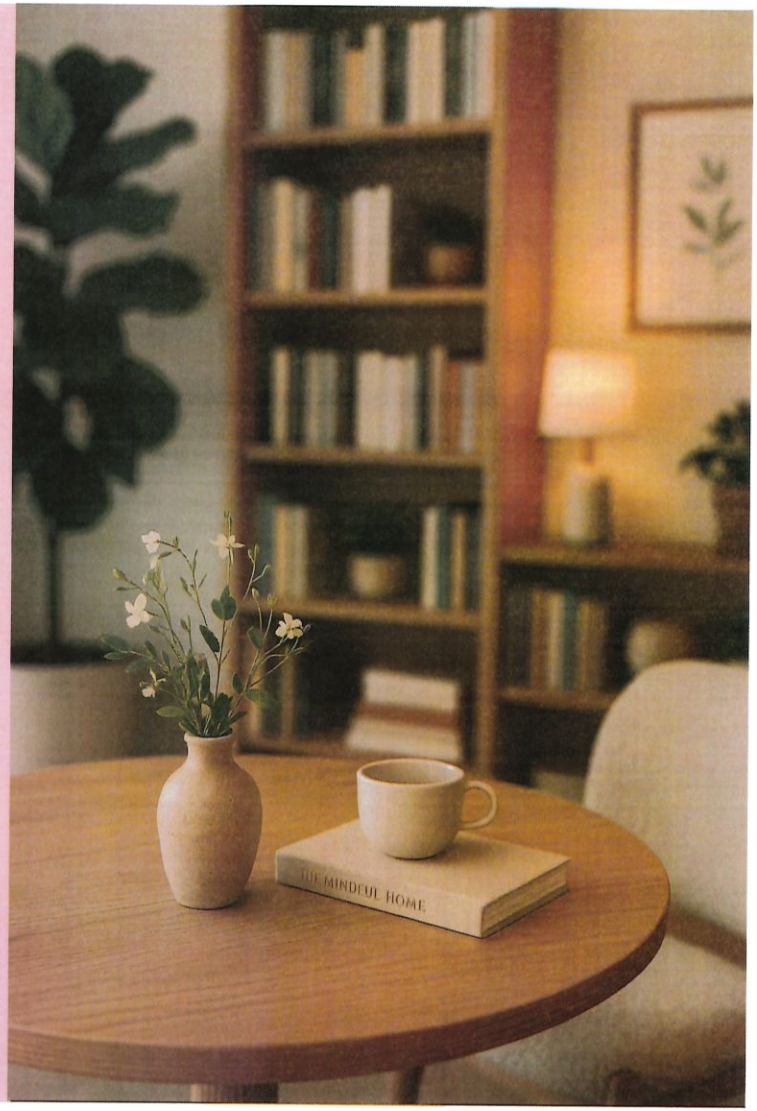
- Private, one-on-one consultations.
- Free educational resources for new customers.
- Carefully vetted books, guides, and wellness resources.
- Community educational events.
- Membership-based social club for women.



Not just a retail space. Community Education.

Walking into a POT MAMA'S Feels Like...

- Your favorite bookstore.
- A relaxing wellness studio.
- A thoughtfully curated boutique.
- A space where community exists.



Our People | Certified. Educated. *Relatable.*

- Our Pot Mamas are trained to understand dosing, product effects, and customer needs.
- Our staff aren't salespeople – they're cannabis concierges.
- We serve customers like they're our neighbors (because they are).



Our Products + Local Partnerships

- Premium, tested cannabis products.
- Vetted books and periodicals.
- Local jewelry, fashion, and art for sale.
- Rotating collaborations with local creatives.



Our Stores Reflect the Culture of your City

Our Customers | They Look Just Like You.

- Moms seeking better sleep.
- Dads managing chronic pain.
- Parents managing anxiety and stress.
- Professionals winding down responsibly.



We serve thoughtful, everyday people—not stereotypes.

A Thoughtful Choice for a Changing Landscape

Cannabis is here. How it shows up in your city is up to you.

Pot Mama's is not just a business. It's a signal.

A signal that your city can evolve without losing itself.

That you can embrace progress without sacrificing identity.

That cannabis can be responsible, relational, and beautiful.

Let's Work Together to Set the Standard.

EXCERPT FROM DRAFT/UNAPPROVED 7/22/25 PLANNING COMMISSION MINUTES

A) PLANNING CASE 2025-11
POT MAMA'S MSO LLC, 1155 CENTRE POINTE DRIVE – CONDITIONAL USE PERMIT

Community Development Manager Sarah Madden explained that Pot Mama's MSO LLC has applied for a Conditional Use Permit (CUP) for a cannabis retailer location, located in the B-1 General Business zoning district at 1155 Centre Pointe Drive.

Hearing notices were published and mailed to all properties within 350 feet of the site; no comments or objections to this request were received.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked if there is a maximum size for retail space in B-1.

Community Development Manager Sarah Madden stated that there is a maximum size for accessory retail use within the industrial zone, but there is no maximum in the general business district.

Commissioner Johnson asked if there would be consumption on site, noting the reference to a social boutique within the Commission packet.

Commissioner Corbett commented that a retail use would not allow consumption on site.

Community Development Manager Sarah Madden confirmed that this would only be retail sales. She explained that the social aspect would be through engagement and community building, which is found within the business plan. She explained that the event license would be a separate process through the State. She commented that an event within the retail space would be allowed and would be different. She explained that the business plan mentioned things like women's groups as an example of social events.

Chair Field opened the public hearing.

Andrew Katz, 1960 Walsh Lane, asked if any data was provided related to whether there would be increased police activity or police calls from this type of business.

Chair Field commented that there was no information of that type within the staff report.

Community Development Manager Sarah Madden replied that the level of data was not provided as part of the application. She stated that the majority of security requirements and review

will be done through the State license review through the Office of Cannabis Management (OCM). She reviewed the role of the City in reviewing this type of license.

Vicky Katz, 1855 Hunter Lane, commented that she has conflicting feelings as she believes there are benefits to regulation that would allow this type of business, but this also brings to mind a stereotypical image of potential customers. She stated that Mendota Heights is a family-oriented community, and she would not want to see this business bringing in unwanted customers from other communities. She asked the Commission to ensure that the request is well vetted before allowing the business into the community.

Scott Van, 1870 Hunter Lane, commented that he was not aware that this type of business was allowed in Mendota Heights and believed that the applicant should be present.

Commissioner Corbett stated that there is no subjectivity to this decision as the State regulations cannot be changed. He stated that the application complies with all regulations.

Chair Field commented that this would be the only cannabis retailer allowed.

Community Development Manager Sarah Madden confirmed that if the licensee fully completes the process, this would be the only retail business allowed in Mendota Heights. She explained the State law related to this type of business and the regulations the City was able to enact. She commented that the City will be involved in compliance checks.

Seeing no one further coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER STONE, TO CLOSE THE PUBLIC HEARING.

AYES: 6
NAYS: 0

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER STONE, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR 1155 CENTRE POINTE DRIVE, BASED ON THE FINDINGS-OF-FACT AND WITH THE FOLLOWING CONDITIONS:

1. *ALL PARKING FOR THE MULTI-TENANT BUILDING MUST BE ACCOMMODATED ON SITE. ANY INDICATION THAT THE SITE IS UNDER PARKED MAY RESULT IN REQUIRED AMENDMENTS TO THE SITE PLAN AND/OR THE CONDITIONAL USE PERMIT.*
2. *CANNABIS BUSINESSES ARE LIMITED TO RETAIL SALE OF CANNABIS, CANNABIS FLOWER, CANNABIS PRODUCTS, LOWER-POTENCY HEMP EDIBLES, OR HEMP-DERIVED CONSUMER PRODUCTS BETWEEN THE HOURS OF 8:00 A.M AND 10:00 P.M. ON MONDAY-SATURDAY; AND BETWEEN THE HOURS OF 10:00 A.M. AND 9:00 P.M. ON SUNDAYS.*

3. ANY NEW REMODELING OR INTERIOR WORK (INCLUDING BUILDING, ELECTRICAL, PLUMBING, HEATING/COOLING, AND OTHER RELATED WORK MUST BE SUBMITTED FOR STANDARD BUILDING PERMIT REVIEW PRIOR TO ANY WORK BEING STARTED.

AYES: 6
NAYS: 0

Chair Field advised that the City Council would consider this application at its August 6, 2025, meeting.

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 6, 2025

AGENDA ITEM: Resolution 2025-49 Approving a Conditional Use Permit for a private middle and secondary school at 1345 Mendota Heights Road (Planning Case 2025-13)

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Community Development **CONTACT:** Sarah Madden, Community Development Manager

ACTION REQUEST:

Adopt Resolution 2025-49 Approving a Conditional Use Permit for a private middle and secondary school at 1345 Mendota Heights Road.

BACKGROUND:

St. Augustine School is seeking a Conditional Use Permit (CUP) for the property located at 1345 Mendota Heights Road. The CUP would allow for the use of the space as a middle and secondary private school, or 6th-12th grades, at the former Sanford Brown College site, within a portion of the space previously used by Interim Use Permit in 2017-2019 for Minnehaha Academy.

The former Brown College site consists of two separate legal parcels of 2.74 and 2.72 acres, or 5.46 acres total. The entire site is owned by Mendota Tech Center LLC. The property contains an original designed office building of 56,650 sq. ft, and the applicant is proposing to take over the lease of Suite 700, for 4,825 sq. ft. of space for the private school. The building is currently set-up for a typical classroom arrangement, and the applicant has indicated that no major modifications to the building are needed for their anticipated school use with an estimated enrollment of 40 students.

At the July 22, 2025, Planning Commission meeting, a planning report was presented. A duly noticed public hearing was held, and no members of the public spoke to the application as part of the public hearing. The applicant was in the audience, and present to speak to the application and to answer questions from the Planning Commissioners.

The Planning Commission discussed the zoning and land use guidance for the property, the estimated enrollment and capacity for the school space, and anticipated parking demand and occupancy of the classroom space on site. The applicant spoke to the classroom size and

noted the pedagogical goals of the school. Staff confirmed that with the conditions outlined in the staff report, there are no anticipated issues with the proposed use, and they find it to be consistent with the City's 2040 Comprehensive Plan.

A copy of the 07/22/25 planning report with attachments and an excerpt from the unapproved minutes are attached to this memo. As noted in the attachment, staff recommended approval of the CUP request. Following their discussion, the Planning Commission determined that the applicant met the conditions set forth in City Code Title 12-3B-4: Business/Commercial Use Specific Regulations and affirmed the staff recommendation. The Planning Commission voted unanimously (6-0) in support of the Conditional Use Permit request with findings-of-fact and certain conditions, as outlined in the attached [draft] Resolution.

FISCAL AND RESOURCE IMPACT:

Not Applicable.

ATTACHMENTS:

1. Res. 2025-49 Approving a Conditional Use Permit for a private middle and secondary school at 1345 Mendota Heights Road (Planning Case 2025-13)
2. July 22, 2025 Planning Commission Staff Report
3. Unapproved Planning Commission Minutes 7-22-25

CITY COUNCIL PRIORITY:

Economic Vitality & Community Vibrancy

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2025-49

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A MIDDLE AND SECONDARY PRIVATE SCHOOL LOCATED AT 1345 MENDOTA HEIGHTS ROAD PLANNING CASE 2025-13

WHEREAS, St. Augustine School, (the "Applicant"), requests approval of a Conditional Use Permit (CUP) under Planning Case No. 2025-13, which would allow a new middle and secondary (6^{th}-12^{th}) private school located at the property at 1345 Mendota Heights Road, and legally described on Exhibit A; and

WHEREAS, the subject property is guided I – Industrial in the *2040 Comprehensive Plan* and situated in the B-1 General Business Zoning District, and

WHEREAS, Title 12-3B-1 of the City Code allows certain "Elementary, Middle, and Secondary School (public and private)" uses by Conditional Use Permit in the General Business District, and the proposed use is consistent with the performance standards of the zoning district and City Code; and

WHEREAS, on July 22, 2025 the Mendota Heights Planning Commission held a public hearing on this application request following a presentation of the planning report, and comments from the public and applicant were allowed, and whereupon closing the hearing, the Commission recommended unanimously (6-0 vote) to approve the request from St. Augustine School for the CUP, which would allow a middle and secondary private school use at 1345 Mendota Heights Road, as proposed and presented under Planning Case No. 2025-13, with certain conditions identified herein and specific findings-of-fact to support said approval.

NOW, THEREFORE, BE IT RESOLVED by the Mendota Heights City Council that the recommendation from the Planning Commission on Planning Case No. 2025-13 is hereby affirmed, and the Conditional Use Permit requested for the property located at 1345 Mendota Heights Road is approved based on the following findings-of-fact.

1. The proposed school use will not be detrimental to the health, safety or general welfare of the community, nor will cause serious traffic congestion nor hazards, nor depreciate surrounding property values.

2. The proposed school use conforms to the general purpose and intent of this code and comprehensive plan, including all applicable performance standards, provided all conditions are met and upheld by the property owner and applicant.

3. With the conditions included herein, the site will provide adequate parking for the proposed use and existing building. All parking will be accommodated on-site and no adverse impacts off-site are anticipated to traffic flow on the surrounding roadway

network.

BE IT FURTHER RESOLVED, by the Mendota Heights City Council that the Conditional Use Permit requested for the property located at 1345 Mendota Heights Road is hereby approved, with the following conditions:

1. All parking for the multi-tenant building must be accommodated on site. Any indication that the site is under parked may result in required amendments to the Site Plan and/or the Conditional Use Permit.

2. Any new remodeling or interior work (including building, electrical, plumbing, heating/cooling and other related work must be submitted for standard building permit review prior to any work being started.

Adopted by the City Council of the City of Mendota Heights this 6th day of August 2025.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

_____
Stephanie B. Levine, Mayor

ATTEST:

_____
Nancy Bauer, City Clerk

EXHIBIT A

Address: 1345 Mendota Heights Road

PIN: 274825101020

Legal Description: Lot 2, Block 1, MENDOTA HEIGHTS BUSINESS CENTER 2ND ADDITION

Planning Commission

Meeting Date:	July 22, 2025		
Agenda Item:	**CASE No. 2025-13 Conditional Use Permit** Application of St. Augustine School for a Conditional Use Permit (CUP) for a middle and secondary school located at 1345 Mendota Heights Road		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
St. Augustine School is seeking a Conditional Use Permit (CUP) for the property located at 1345 Mendota Heights Road. The CUP would allow for the use of the space as a middle and secondary private school, or 6th-12th grades, at the former Sanford Brown College site, within the space previously used by Interim Use Permit in 2017-2019 for Minnehaha Academy.

This item is being presented under a duly noticed public hearing process. A notice on this item was published in the Pioneer Press newspaper; and notice letters of this hearing were mailed to all owners within 350-feet of the affected parcel. No public comments have been received as of the submittal of this report.

Background:
The former Brown College site consists of two separate legal parcels of 2.74 and 2.72 acres, or 5.46 acres total. The entire site is owned by Mendota Tech Center LLC. The property contains an original designed office building of 56,650 sq. ft., which was leased and occupied entirely by Brown College as one of its metro wide college facilities up until 2017. In 2017, following the damage to Minnehaha Academy, they moved into this space under an Interim Use Permit and made modifications to the space to accommodate their school use. The space has been vacant since Minnehaha Academy returned to their permanent home.

The site is bounded by Mendota Heights Road to the north, Enterprise Drive to the east, and Northland Drive to the south. Various warehouse uses and office uses surround the site. The subject property is zoned B-1 General Business, and is currently guided I-Industrial in the City's Comprehensive Plan. The site is part of the overall area proposed to be reguided to Business in the City's Comprehensive Plan Amendment (Planning Case 2025-02) which is currently pending Metropolitan Council review. Staff does not see a conflict with the Comprehensive Plan for the proposed school use to be reinstated.

The building is currently set-up for a typical classroom arrangement, and the applicant has indicated that no major modifications to the building are needed for their anticipated school use. The subject site contains up to 270 surface parking spaces.

St. Augustine School is a new school initiative and has an anticipated total enrollment of 40 students which would attend school at this site.

Analysis:
Pursuant to Title 12-5B-5, the city recognizes that the development and execution of Zoning Code is based upon the division of the city into districts within which regulations are specified. It is further recognized that there are special or conditional uses which, because of their unique characteristics, cannot be properly classified in any district or districts without consideration, in each case, of the impact of those uses on neighboring land or the public need for the particular location.

To provide for these needs, the city may approve a conditional use for those uses and purposes, and may impose conditions and safeguards in such permits to ensure that the purpose and intent of this chapter is effectively carried out.
The City may grant a conditional use provided the proposed use demonstrates the following:
a) Use will not be detrimental to the health, safety or general welfare of the community,
b) Use will not cause serious traffic congestion nor hazards,
c) Use will not seriously depreciate surrounding property value, and
d) Use is in harmony with the general purpose and intent of this chapter and the comprehensive plan.

A-C) The proposed use will not be detrimental to the health, safety or general welfare of the community; will not cause serious traffic congestion or hazards; nor depreciate surrounding property value.
Staff Response: The proposed conditional use permit at the subject property would not be detrimental to the health, safety and welfare of the community, as an upper level grade school has successfully operated in this location previously, and would function or operate very similarly to the prior Interim Use, and the previous Brown College use.

The applicant has indicated that the proposed use is a small school engaged in general education activities within the existing office-style building, and has no anticipated detrimental impacts.

The City anticipates that traffic levels will be less than what was experienced when Minnehaha Academy took use of the space with an estimated enrollment of 350 students, and significantly less than when the Brown College classes were in full session with a larger number of commuting attendees. The applicant has indicated that no bussing will be taking place, and that given the small number of students, the allocated parking spaces for drop-off/pick-up are sufficient for their anticipated demand.

A school typically has an early morning and mid-afternoon peak hour or traffic. The subject site has access points from all three abutting roadway systems, allowing for an ease of access to the site, and the applicant has indicated 22 parking stalls which would be set aside for regular school use. There is ample parking on site for the proposed use and anticipated enrollment. Staff does not believe that these peak travel movements by parent, teacher, or student drivers, will cause any negative impacts to the existing traffic in this office and warehousing based area; nor pose a threat to the surrounding business/uses.

City Code requires all schools, including high schools, to provide at least 1 space for each 7 students, plus 1 space for each 3 classroom. The applicant has indicated that St. Augustine School will serve up to 40 students at this location, meaning that eight spaces would be required for the use, including the calculation for the six classrooms illustrated on the Space Use plan within this Suite 700 allocated for the school use. With the number of existing parking spaces on site, there is no concern for a need to provide additional dedicated parking

or student drop-off areas beyond what has been provided by the applicant.

D. The proposed use conforms to the general purpose and intent of the city code and comprehensive plan, including all applicable performance standards, so as not to be in conflict on an on-going basis.

Staff Response: The subject property is within the overall area which was rezoned from I-Industrial to B-1 General Business as part of the implementation of the City's Zoning Code Update project, which went into effect on January 1st of this year. Following the completion of that project, the City initiated a Comprehensive Plan Amendment application to re-guide the corresponding area to B-Business in the City's 2040 Land Use guide plan. This amendment application is still pending the Metropolitan Council's review. Staff does not see any conflicts within the existing or proposed land use guidance for this school use.

Currently, the subject property is guided I-Industrial in the 2040 Comprehensive Plan. The Plan provides the following goal statement:

Goal 3: Encourage and support industrial and commercial development in designated areas.

1. The city will use available resources to identify redevelopment needs. This will include cooperation with Dakota County and the Metropolitan Council to achieve redevelopment objectives.

2. Transitions between adjoining land uses will be required for adjacent residential uses, and will be encouraged between compatible land uses (e.g. transition between a general manufacturing and retail use will be encouraged).

3. Amenities within the industrial and commercial districts will be encouraged to promote a more vibrant and attractive place for workers.

The former Brown College use (and the adjacent Le Cordon Bleu cooking school) functioned and operated successfully for a number of years within this Industrial guidance category. The Industrial land use category is described in the existing 2040 Comprehensive Plan as a concentration within the city's industrial and business park and includes manufacturing, office, warehousing, hotels, and other commercial uses. This area has previously supported educational uses, thus staff has determined that this location for the middle and secondary school use is consistent with the purpose and intent of the City Code and Comprehensive Plan and performance standards.

Alternatives:

1. Recommend approval of the Conditional Use Permit request, based on the findings of fact that the proposed school use complies with the policies and standards of the City Code and is consistent with the Comprehensive Plan, with conditions;
2. Recommend denial of the Conditional Use Permit request, based on the findings of fact that the proposed school use is not in compliance with the City Code and is inconsistent with the Comprehensive Plan; or
3. Table the request and request additional information from staff and/or the applicant; Staff will extend the review period an additional 60 days, in compliance with Minnesota State Statute 15.99.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit request from St. Augustine School for a middle and secondary (private) school at 1345 Mendota Heights Road, based on the findings of fact that the proposed project complies with the policies and standards of the City Code and is consistent with the Comprehensive Plan, with the following conditions:

1. All parking for the multi-tenant building must be accommodated on site. Any indication that the site is under parked may result in required amendments to the Site Plan and/or the Conditional Use Permit.

2. Any new remodeling or interior work (including building, electrical, plumbing, heating/cooling and other related work must be submitted for standard building permit review prior to any work being started.

Attachments:

1. Findings of Fact for Approval
2. Site Location Map
3. Letter of Intent
4. St. Augustine School - Supplemental
5. 1345 Mendota Heights Road Suite 700, Mendota Heights Floor Plan
6. St. Augustine School Space Usage Mendota Heights
7. St. Augustine School Parking Map

FINDINGS-OF-FACT FOR APPROVAL

CUP – Conditional Use Permit
for
1345 Mendota Heights Road, Suite 700

The following Findings of Fact are made in support of approval of the proposed requests:

1. The proposed school use will not be detrimental to the health, safety or general welfare of the community, nor will cause serious traffic congestion nor hazards, nor depreciate surrounding property values.

2. The proposed school use conforms to the general purpose and intent of this code and comprehensive plan, including all applicable performance standards, provided all conditions are met and upheld by the property owner and applicant.

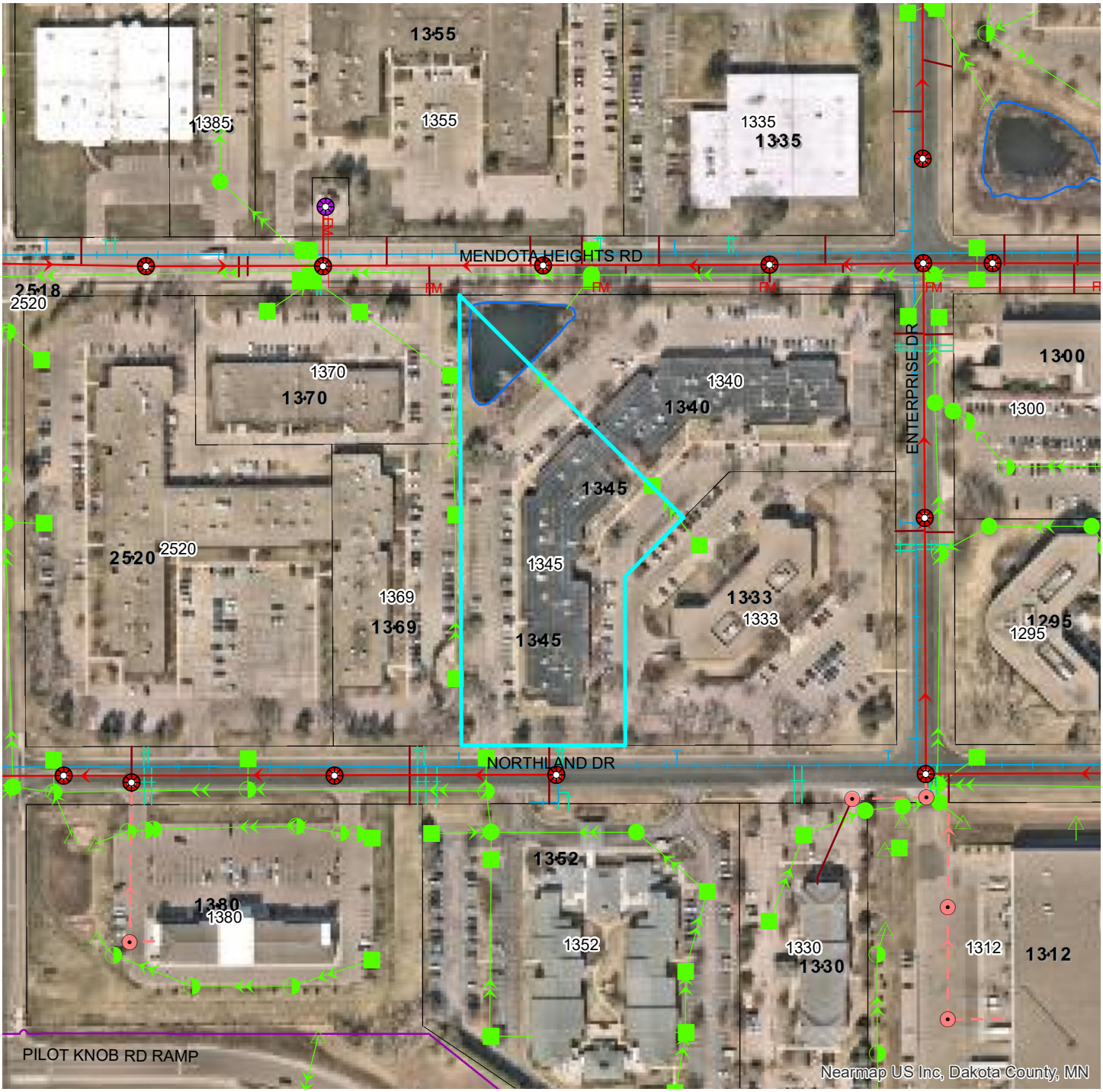
3. With the conditions included herein, the site will provide adequate parking for the proposed use and existing building. All parking will be accommodated on-site and no adverse impacts off-site are anticipated to traffic flow on the surrounding roadway network.

Site Location/Aerial Map
1345 Mendota Heights Road

Date: 7/18/2025

0 200
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

ST. AUGUSTINE SCHOOL

24 June 2025

To Whom it May Concern,

Thank you for considering our conditional use permit for the 1345 Mendota Heights Road, Suite 700 (former Minnehaha Academy space). Below is an overview of the school, as well as an analysis of key items outlined in the "Conditional Use Permit Application Checklist" supplied online at the City of Mendota Heights website.

St. Augustine School is a 6th-12th grade classical, liberal arts school in the Catholic tradition (launching with grades 6th-10th). It is a co-ed school with single sex instruction, focused on a pedagogy that goes slower and deeper into its curriculum, inculcating in its students a love of learning that sets them up to lead joyful, flourishing lives. It is led by Head of School Dr. Matt Briel, and Deans Mrs. Ellie Peters and Mr. Steve Hendrickson. More information can be found at www.staugustineschoolmn.org.

It is a Minnesota LLC, with approved 501(c)3 non-profit status with the Internal Revenue Service.

Here is an overview addressing specific concerns / topics outlined in "Conditional Use Permit Application Checklist":

1. The proposed use will not be detrimental to the health, safety or general welfare of the community
    a. The use, as outlined above, is a small (micro) school that will be engaging in standard educational activities that are not detrimental to the health, safety or general welfare of the community.
2. The proposed use will not cause serious traffic congestion nor hazards
    a. There will be no serious traffic congestions or hazards associated with the operation of St. Augustine School.
3. The proposed use will not seriously depreciate surrounding property value
    a. The St. Augustine School will not have a detrimental effect on the surrounding property value
4. The proposed use is in harmony with the general purpose and intent of the City Code and the comprehensive plan.
    a. Use of the space as a school is allowed under the current zoning guidelines (with a Conditional Use Permit), and will be in harmony with the general purpose and intent of the City Code and the comprehensive plan.

As you prepare to review our CUP, please do not hesitate to reach out with any questions or concerns.

Sincerely,

William Faulkner

Board Chair, St. Augustine School

ST. AUGUSTINE SCHOOL

2 July 2025

Ms. Sarah Madden
Community Development Manager
City of Mendota Heights
1101 Victoria Curve
Mendota Heights, MN 55118

Dear Ms. Madden,

Thank you for considering our conditional use permit for the 1345 Mendota Heights Road, Suite 700. Per the questions in your email of 2 July 2025, please find answers below in red.

At this time, we are marking the application as incomplete, based on the following items from the Conditional Use Permit checklist:

- *Dimensioned "typical" floor plan and "typical" room plan*

  Please see attached "Saint Augustine School Space Usage Mendota Heights - (Gray Area).pdf"

- *Vehicular circulation on site, and use of available parking spaces*

  Please see attached "St Augustine School Parking Map.pdf"

Specifically, we need additional detail on the plans to evaluate this proposal and make a determination on the minimum parking which would be required for just this use within the shared parking in this development, and overall traffic impacts from additional trips and the potential for any bussing or drop-off queues (there is no bussing taking place. Given the small number of enrollees, the allocated parking spaces for dropoff/pickup are believed to be sufficient for our use and to manage dropoff/pickup dynamics). Parking demand is calculated based on the occupancy of individual rooms and uses. The graphic illustrating the leasing brochure for 4,825 square feet is not sufficient for reviewing this information. Has your architect prepared preliminary floor plans for the space? (we are using the space "as-is" and so do not plan any changes to the space). I understand this space was remodeled as part of a prior Interim Use Permit, but this would be for a permanent use – are there walls or rooms that are proposed to change? (No proposed changes to the space).

- *Please provide a Floor Plan of the proposed space detailing the use of each room. What modifications are proposed to the space to accommodate the school?*

  See attached "Saint Augustine School Space Usage Mendota Heights - (Gray Area).pdf". No modifications are proposed.

- *Are there cafeteria or food preparation needs?*

  No

- *Please provide a parking and/or drop-off plan for the school. Currently you are proposing 10th grade in the upcoming school year, but this Conditional Use Permit approves the entire lifespan of the school. Where will students park if they are driving themselves to school? Note*

any reserved or designated parking areas that the building owner will provide. If students are being bussed into the school, what route through the property will they take? Will there be a drop-off or unloading zone?

Please see attached "St Augustine School Parking Map.pdf". No bussing will be used.

- *What are the projected enrollment numbers at capacity for the space? The Fire Marshall will need to evaluate the occupancy of this space, and the Building Official at a later building permit date.*

Enrollment is planned for no more than 40. Current enrollment is significantly less than that.

Also, thank you for letting us know about the retail cannabis site. We do not have concerns at this time.

Please let me know if you have any additional questions, including calling me at 651-343-6370



William Faulkner

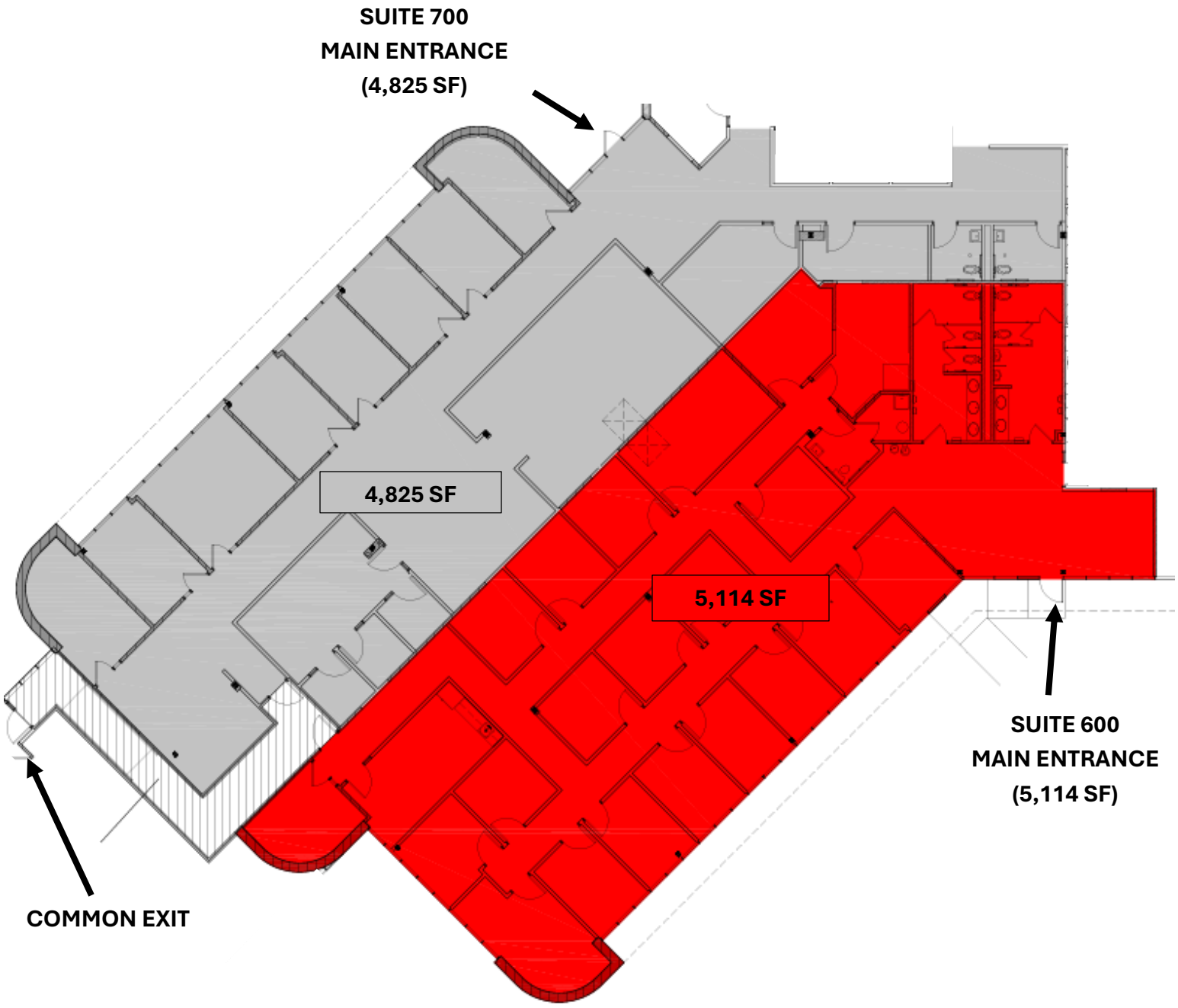
Board Chair, St. Augustine School

FOR LEASE

Direct Entry, Newly Remodeled Office Sublease

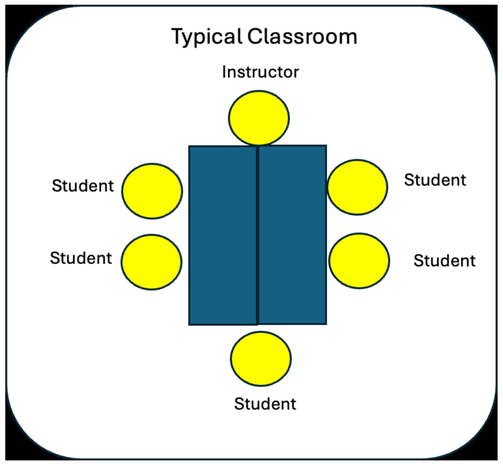
1345 Mendota Heights Rd., Mendota Heights MN 55120

FLOOR PLAN – SUITE 600 & 700 (9,939 SF)



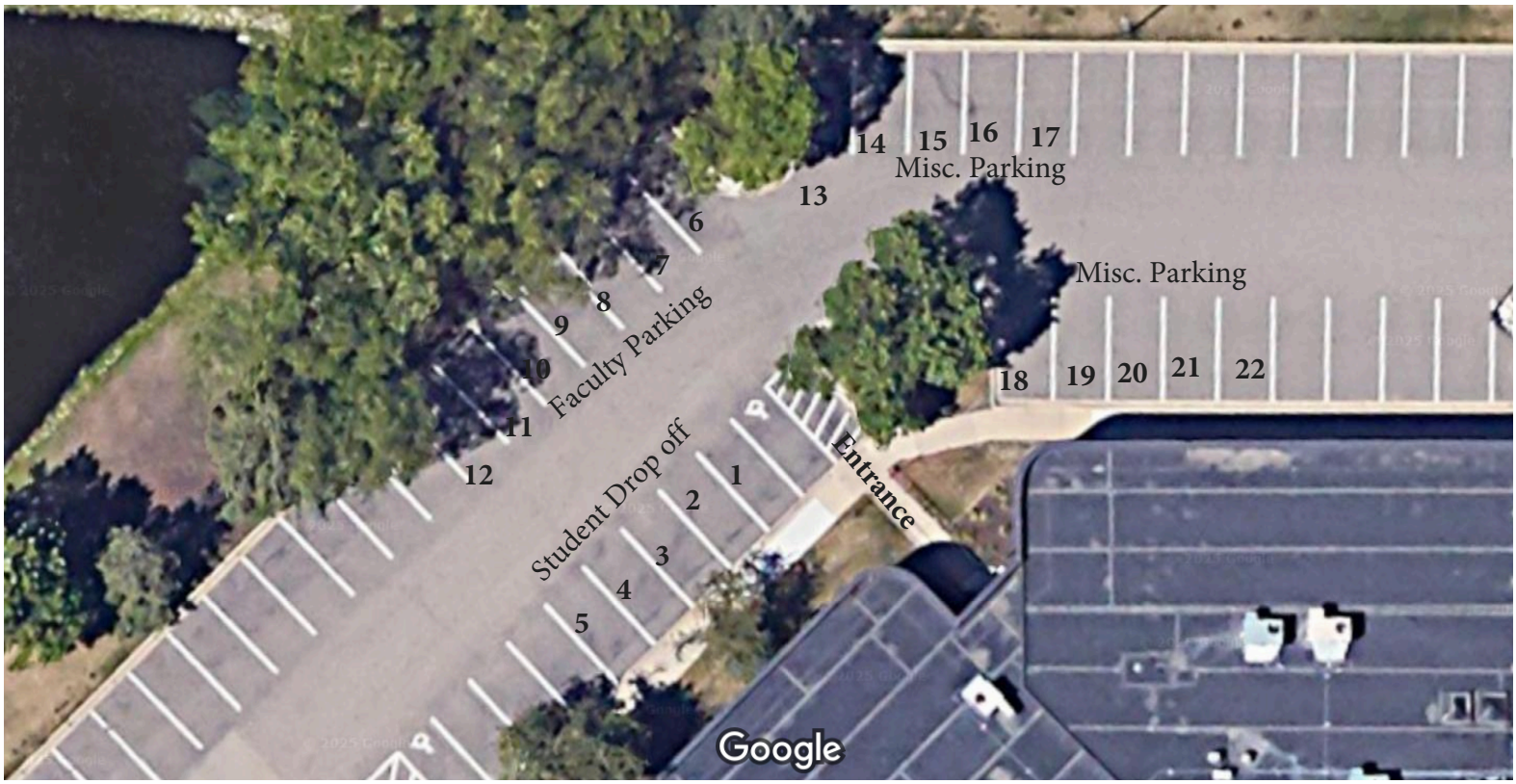
CROSSROADS PROPERTIES

Mark Young D: 651-233-2435 | M: 651-307-2371
Zac Houle D: 651-209-0520 | M: 651-248-7567
7250 Hudson Boulevard N, Suite 160, Oakdale, MN 55128
www.crossroadspropeties.net



classroom
conf. room
reception
classroom
coatroom
storage
classroom
classroom
meeting / common
purpose room
classroom
student ccommons
4,658 S.F.
classroom
study space
faculty offices
4,936 S.F.
common lounge
SHARED
345 S.F.

SAINT AUGUSTINE SCHOOL PARKING MAP



Imagery ©2025 , Map data ©2025 Google 20 ft

EXCERPT FROM DRAFT/UNAPPROVED 7/22/25 PLANNING COMMISSION MINUTES

C) PLANNING CASE 2025-13
ST. AUGUSTINE SCHOOL, 1345 MENDOTA HEIGHTS ROAD – CONDITIONAL USE PERMIT

Community Development Manager Sarah Madden explained that St. Augustine School is seeking a Conditional Use Permit (CUP) for the property located at 1345 Mendota Heights Road. The CUP would allow for the use of space as a middle and secondary private school, or 6th – 12th grades, at the former Sanford Brown College site, within the space previously used by Interim Use Permit in 2017-2019 for Minnehaha Academy.

Hearing notices were published and mailed to all properties within 350 feet of the site; no comments or objections to this request were received.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Corbett asked if this is a conditional use allowed in both industrial and business districts.

Community Development Manager Sarah Madden commented that the use is only listed within the business district and not the industrial district. She noted that the previous trade school use was listed. She stated that the property is currently zoned B-1, general business.

Chair Field believed that there were regulations for small class sizes with the previous user, Minnehaha Academy. He asked if there would be an ability to cap the number of students.

Community Development Manager Sarah Madden commented that if the expansion of the school were necessary to occupy additional space in the building, an amendment would be needed for the CUP. She commented that a condition could be added, but was unsure of the language that would be used and the onus that could be placed on the applicant and staff.

Chair Field stated that perhaps a cap on the number of students could be added to the conditions that would trigger a review.

Community Development Manager Sarah Madden commented that it could be written as a condition, but there could be enforcement issues. She noted that the enrollment could expand past 40 students and still be within the fire code occupancy for the building. She noted that there would be other triggers that would require a review/amendment, including parking and the need for additional space. She stated that the applicant can provide additional information on the vision for the school and small classroom size.

Bill Folkner, representing the applicant, stated that the vision for the school is to keep the classrooms small. He stated that they would love to have that issue with expanded enrollment, but in that case, they would prefer to expand the size of the school rather than the size of the classroom.

Chair Field opened the public hearing.

Seeing no one coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER NATH, TO CLOSE THE PUBLIC HEARING.

AYES: 6
NAYS: 0

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER CORBETT, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT REQUEST FROM ST. AUGUSTINE SCHOOL FOR A MIDDLE AND SECONDARY (PRIVATE) SCHOOL AT 1345 MENDOTA HEIGHTS ROAD, BASED ON THE FINDINGS OF FACT THAT THE PROPOSED PROJECT COMPLIES WITH THE POLICIES AND STANDARDS OF THE CITY CODE AND IS CONSISTENT WITH THE COMPREHENSIVE PLAN, WITH THE FOLLOWING CONDITIONS:

1. *ALL PARKING FOR THE MULTI-TENANT BUILDING MUST BE ACCOMMODATED ON SITE. ANY INDICATION THAT THE SITE IS UNDER PARKED MAY RESULT IN REQUIRED AMENDMENTS TO THE SITE PLAN AND/OR THE CONDITIONAL USE PERMIT.*
2. *ANY NEW REMODELING OR INTERIOR WORK (INCLUDING BUILDING, ELECTRICAL, PLUMBING, HEATING/COOLING, AND OTHER RELATED WORK) MUST BE SUBMITTED FOR STANDARD BUILDING PERMIT REVIEW PRIOR TO ANY WORK BEING STARTED.*

AYES: 6
NAYS: 0

Chair Field advised that the City Council would consider this application at its August 6, 2025, meeting.